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Founded 1976

TCCF POLICY BRIEFING

POLICE, LAW ENFORCEMENT AND PUBLIC SAFETY IN THE ERA OF PUBLIC ATTACKS ON LAW ENFORCEMENT

Introduction

Recent years have seen the growing strength of a movement attacking not only the police, but the whole concept of law enforcement. The traditional idea that we should all obey the laws, and should expect to be punished if we do not, has been overturned by the claim that racial “equity” requires changing our laws, procedures and institutions to provide racial preferences in favor of certain minorities. These proposed changes affect arrests, prosecutions, and imprisonment.

Among the fundamental beliefs of this newly powerful movement are these three.

1. Police are an instrument of racial oppression, a new form of lynch mob, and should be defunded or abolished.
2. Racial minorities, especially blacks, are being convicted of too many crimes. Therefore, prosecutions of those crimes should be greatly reduced and cash bail should not be required for those who are held for trial.
3. Prisons have become a means of more explicit racial oppression, and “mass incarceration” is an injustice that must end.

Do the facts support these claims? And what will be the result if we allow these assumptions to guide the policymaking of American government?

Police

Our police are under attack, both literally and figuratively. In 2021 a record high number of police were killed in the line of duty, up 38% from the previous year – and 2022 is on pace to set a new record.¹

¹ Mordock, Jeff, “Violent attacks against police officers on the rise in 2022”, *The Washington Times*, Jan. 24, 2022 at <https://www.washingtontimes.com/news/2022/jan/24/violent-attacks-against-police-officers-rise-2022/> as of Jan. 25, 2022.

This violence is not surprising given the constant attacks in the news media and from politicians upon the police. According to the Left and their cheerleaders in the media, the police are the true

villains in our society. It would only be logical to assume that they should be the target of violent resistance.

A typical theme of this point of view is to say that the old system of repression via lynchings have been replaced by a new system of repression via police violence. Michelle Alexander, in her best-selling *The New Jim Crow*, asserts that “Lynch mobs may be long gone, but the threat of police violence is ever present.”² Ibram X. Kendi’s award-winning *How to Be an Antiracist* puts police officers in the same category as “slaveholders, lynchers, mass incarcerators” – that is, as people taught to be violent.³ *The 1619 Project* even portrays killings by the police as worse than lynchings.⁴ Kendi’s *Stamped from the Beginning* cites a decades-old study alleging that “for every White person killed by police officers, police killed twenty-two Black people.”⁵

He ignores up-to-date figures compiled by *The Washington Post* showing that police kill almost twice as many whites as blacks⁶, yet his own writings show him to be aware of the *Post*’s findings.⁷ *Critical Race Theory*, a textbook on the subject by Richard Delgado and Jean Stefancic, tells readers that “Police shootings and killings of unarmed black men have risen so rapidly” that they must be considered “growing health concerns”.⁸ (*The Washington Post* study already mentioned finds the number of killings by the police to be level from year to year.)⁹

² Alexander, Michelle, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (The New Press, 2020), pg. 176.

³ Kendi, Ibram X., *How to Be an Antiracist* (One World, 2019), pg. 75.

⁴ Hannah-Jones, Nikole, Caitlin Roper, Ilena Silverman and Jake Silverstein, eds., *The 1619 Project* (One World, 2021) pg. 465.

⁵ Kendi, Ibram X., *Stamped from the Beginning: The Definitive History of Racist Ideas in America* (Bold Type Books, 2016), pg. 420.

⁶ “Fatal Force”, *The Washington Post*, an online database regularly updated showing the known cases of all those shot and killed by the police, at <https://www.washingtonpost.com/graphics/investigations/police-shootings-database/> as of Feb. 8, 2022.

⁷ Kendi, *Antiracist*, pg. 73.

⁸ Delgado, Richard and Jean Stefancic, *Critical Race Theory: An Introduction* (Dye Publishers and Distributors, 2017), pg. 124.

⁹ Lati, Marssa, Steven Rich, and Jennifer Jenkins, “In 2021, fatal police shootings hit at least a 7-year high”, *The Washington Post*, February 11, 2022, pg. A3.

If *The 1619 Project* is to be believed, police are not to be seen as our protectors from murder, rape, robbery, and other such crimes. Instead, “police officers are simply the enforcement mechanism of a vastly unequal society maintained by historic and systemic racism”¹⁰

Given such apocalyptic statements, it is not surprising that these critics even see a realistic danger that black Americans will be totally eliminated by force. Derrick Bell, the founding father of Critical Race Theory, spoke of “the not-so-gentle genocide going on in our inner cities.”¹¹ Alexander is especially blunt, saying that the treatment of blacks in America “poses the risk of extermination. Tragedies such as the Holocaust in Germany or ethnic cleansing in Bosnia are traceable to the extreme marginalization and stigmatization of racial and ethnic groups. . . .

[T]he frantic accusations of genocide by poor blacks in the early years of the War on Drugs seem less paranoid.”¹²

If genocide is underway, it must be the most unsuccessful genocide in history. According to the 2020 Census, the black population of the United States increased from 38.9 million in 2010 to 41.1 million in 2020. It was the white population, the supposed perpetrators of genocide, which decreased by 8.6% in that same period.¹³

If we dismiss the ridiculous charge of genocide, there is still the serious question of whether police might be killing some number of American blacks unjustifiably, as a result of racism. The number would have to be very small, since *The Washington Post* database shows that in 2021 the police shot and killed only 134 blacks all year (and only 5 of them were unarmed).¹⁴

However, in the wake of the killing of George Floyd, we should be willing to examine whether such events are typical or highly unusual.

We have all heard about the shootings in such cases as Michael Brown, Tamir Rice, and Breonna Taylor. But how do the heated accusations against the police match up with the facts?

Here is how *The 1619 Project* describes the shooting of Michael Brown. “. . . Officer Darren Wilson shot and killed an unarmed Black teenager named Michael Brown”¹⁵ That rather

¹⁰ Jones, *1619 Project*, pg. 455.

¹¹ Delgado, Richard and Jean Stefancic, eds., *The Derrick Bell Reader* (New York University Press, 2005), pg. 302.

¹² Alexander, *New Jim Crow*, pg. 272.

¹³ Jones, Nicholas, Rachel Marks, Roberto Ramirez, and Merarys Rios-Vargas, “2020 Census Illuminates Racial and Ethnic Composition of the Country”, United States Census Bureau, at <https://www.census.gov/library/stories/2021/08/improved-race-ethnicity-measures-reveal-united-states-population-much-more-multiracial.html> as of Jan. 26, 2022.

¹⁴ “Fatal Force”, at <https://www.washingtonpost.com/graphics/investigations/police-shootings-database/> as of Feb. 8, 2022. There were, however, more than 600 of unknown race.

¹⁵ Hannah-Jones, *The 1619 Project*, pg. 98.

minimal statement, as we shall see, is technically true but misleads by what it fails to reveal. *USA Today* reported the story as most people heard it soon after the shooting. “Witnesses say the teen died Saturday after throwing his hands up and surrendering to police.”¹⁶

Sen. Elizabeth Warren bluntly stated that “. . . Michael Brown was murdered by a white police officer . . .” and then-Sen. Kamala Harris also described it as “murder.”¹⁷ “Hands up, don’t shoot” became a commonly-heard slogan throughout America.

It was all a lie.

That explains why a local grand jury, and soon after the U.S. Department of Justice, refused to prosecute police officer Darren Wilson. It explains why Wesley Bell, who was elected St. Louis County prosecutor with the strong support of those who wanted Officer Wilson prosecuted, ended his renewed investigation by dropping the case, admitting that the evidence for a prosecution did not exist.¹⁸

Perhaps the most devastating rebuttal to the lie told by Black Live Matter, the news media, and so many politicians is the 86-page report of the US Department of Justice, headed by none other than Eric Holder, who could not possibly be accused of sympathy for Officer Wilson.

The report reviewed the physical evidence and summarized the information provided by dozens of witnesses. They found solid corroboration that Brown had attacked Officer Wilson, striking him in the face and fighting with Wilson for control of Wilson’s gun.¹⁹ There was clear proof that Wilson did not shoot Brown in the back, and no evidence that he even fired at all while Brown was running away. Wilson resumed firing only when Brown turned around and moved toward Wilson, and stopped firing each time Brown stopped moving.²⁰ There was no credible

¹⁶ Schneier, Cogan, “Ferguson protests give new meaning to ‘hands up’ sign”, *USA Today*, August 19, 2014 at <https://www.usatoday.com/story/news/nation/2014/08/13/ferguson-protests-hands-up/14010683/> as of Feb. 7, 2022.

¹⁷ Kessler, Glenn, “Harris, Warren Ignore Justice report to claim Michael Brown was murdered”, *The Washington Post*, Aug. 18, 2019, at <https://www.proquest.com/docview/2274561806/D2239A5C33FC4E8BPQ/9?accountid=189667> as of Jan. 26, 2022.

¹⁸ Lippman, Rachel and Jason Rosenbaum, “St. Louis County Prosecutor Will Not Charge Darren Wilson”, St. Louis Public Radio, July 30, 2020 at <https://news.stlpublicradio.org/law-order/2020-07-30/wesley-bell-will-not-charge-darren-wilson> as of Feb. 7, 2022.

¹⁹ Department of Justice Report Regarding the Criminal Investigation into the Shooting Death of Michael Brown by Ferguson, Missouri Police Officer Darren Wilson, March 4, 2015, pg. 6.

²⁰ *Ibid.*, pg. 7, 15.

evidence that Brown ever raised his hands over his head or tried to surrender.²¹ The report states that “Wilson’s account is corroborated by physical evidence and his perception of a threat posed by Brown is corroborated by other credible eyewitness accounts.”²²

What about all the witnesses who so eagerly told the news media that Brown had been gunned down while trying to surrender? The Justice Department found eight witnesses supporting Officer Wilson’s account of the incident, witnesses whose testimony was deemed credible because what they said was consistent with the physical evidence, consistent over multiple interviews, and consistent with each other. They found no credible witnesses who could have been brought into court to testify against Wilson – zero – *not a single one!*²³ Quite a few of the “witnesses” who had spread some version of the “hands up, don’t shoot” story later admitted that they had not seen anything, or had seen only a small part. Others made statements that were flatly contradicted by the physical evidence and/or changed over time. Such “witnesses” would have been worthless in court, however valuable they were to the activists and media gullible enough to believe anything negative regarding police.²⁴

The Obama-Holder Justice Department concluded, “Not only do eyewitnesses and physical evidence corroborate Wilson’s account, but there is no credible evidence to disprove Wilson’s perception that Brown posed a threat to Wilson as Brown advanced toward him.”²⁵ The report cited legal precedent allowing an officer to use deadly force against “a subject who attempts to take his firearm”.²⁶

However reluctantly, even Attorney General Holder could not claim that Wilson, rather than Brown, was to blame. The evidence was overwhelming and incontrovertible.

But if the Michael Brown accusations must be regarded as a hoax, what about Tamir Rice? *Washington Post* columnist Eugene Robinson described this incident by saying that “Tamir, Rice, a 12-year-old boy, was playing with a toy gun; a police officer shot him dead within seconds of

²¹ Ibid., pg. 8.

²² Ibid., pg. 12.

²³ Ibid. pg. 27-36.

²⁴ Ibid., pg. 44-78.

²⁵ Ibid., pg. 78-79.

²⁶ Ibid., pg. 81.

arriving on the scene.”²⁷ Once again we have a statement which, by leaving out a great deal, can be both technically true but misleading to the point of dishonesty.

Fortunately, we can once more look to the findings of the US Department of Justice to get a more comprehensive account of the facts. The most important fact is that Tamir Rice was carrying “a toy black airsoft pistol with a removable magazine that was visually virtually indistinguishable from a real .45 Colt semi-automatic pistol.” When he began pointing the gun at others, someone called 911. (The report also notes that this 12-year-old boy was 5 feet seven inches tall and weighed 195 pounds – an adult size). Video shows Rice’s hands moving near his waist, where his gun was. Believing that he was going for the gun, the officers responded by opening fire. Recognizing that the evidence supported the police claim that they believed they acted in self-defense, the Justice Department did not prosecute.²⁸ To say the shooting was not justified would require saying that police officers may not use their weapons until after someone has already fired upon them. For most people, it is common sense that police may fire when they see a gun being drawn and believe it may be used against them.

However, critics of the police have actually gone even farther in demanding restrictions on the police, saying that police have no right to use their weapons even when they have been fired upon. That is the only way to understand their statements in response to the Breonna Taylor shooting.

According to the police-haters, Taylor’s death was a case of “sleeping while black”, a racially motivated “execution” or “lynching” by the police.²⁹ They emphasize that she was an unarmed black woman, in bed, when police burst into her apartment and shot her. What that grossly oversimplified story leaves out is that the man in bed beside her opened fire on the police, and only then did the police start shooting in self-defense. Even a strong critic of how the whole

²⁷ Robinson, Eugene, “Now tell me: How cheap is black life in these United States of America?”, *The Washington Post*, Dec. 9, 2016, at <https://www.proquest.com/docview/1847085300/92D2E821100B4670PQ/3?accountid=189667> as of Jan. 26, 2022.

²⁸ Justice Department Announces Closing of Investigation into 2014 Officer Involved Shooting in Cleveland, Ohio, Department of Justice, Public Affairs, Dec. 29, 2020.

²⁹ Elahi, Amina, “‘Sleeping While Black’: Louisville Police Kill Unarmed Black Woman”, NPR, May 13, 2020 at <https://www.npr.org/2020/05/13/855705278/sleeping-while-black-louisville-police-kill-unarmed-black-woman> as of Feb. 8, 2022.

operation was carried out, writing in the liberal *Washington Post*, conceded that the decision not to charge the police officers with any crime for her death was correct.³⁰

Were the complaints following the Breonna Taylor shooting just a brief aberration, rather than a permanent principle of those who see unjustified police violence as a common occurrence? If so, they would no longer be bringing up Taylor's death, but would have accepted the fact that the police, faced with hostile gunfire, had every right to defend themselves. That, however, is not the case. *The 1619 Project*, to take only one example, cites her death several times as an example of "the long legacy of state violence against Black Americans" and bemoans the fact that "no officers were held accountable for the killing." (Their account also declines to mention that the police were fired upon before shooting back.)³¹

Furthermore, the establishment of the no-self-defense principle turned up again just a few months after Taylor's death, in a Lancaster, Pennsylvania shooting. Video showed a man with a knife rushing toward a police officer who shot and killed him. Riots quickly broke out, with mobs screaming "Hands up, don't shoot" and "No justice, no peace".³² "Videos posted to news sites showed protestors berating police and throwing smoke canisters back at them. Videos also showed one man kicking in the windshield of a state police vehicle and someone hurling bricks at the police station."³³

Critics of the police officers asked "Why wasn't non-lethal force tried first?", even though the officer had only four seconds to respond between the time when his knife-wielding attacker came through the door and the moment when he had almost reached the officer, despite the officer backing up.³⁴

It appears to now be a firm principle for those on the Left that police should not shoot anyone (or at least not anyone black) even if threatened with a knife or fired upon.

³⁰ Balko, Radley, "Correcting the misinformation about Breonna Taylor", *The Washington Post*, Sept. 24, 2020 at <https://www.washingtonpost.com/opinions/2020/09/24/correcting-misinformation-about-breonna-taylor/> as of Feb. 8, 2022.

³¹ Jones, *The 1619 Project*, pg. xxix, 98-99, 121, 456.

³² "Protests and vandalism in Lancaster, Pa. after knife-wielding man shot, killed by police", Channel 6 ABC, Sept 14, 2020 at <https://6abc.com/ricardo-munoz-lancaster-pa-police-shooting-city/6421618/> as of Feb. 8, 2022. Although the first news reports of the incident (those which sparked the riots) described the man shot as black, that was later corrected to Hispanic.

³³ "Lancaster, Pa. protests: What we know after cop killed man who chased him with knife", York Daily Record, Sept. 15, 2020 at <https://www.ydr.com/story/news/2020/09/15/lancaster-police-kill-man-with-knife-what-we-know-about-arrests-protests/5801633002/> as of Feb. 8, 2022.

³⁴ Nephin, Dan, "'DA: No question' officer was justified in Lancaster city fatal shooting of Ricardo Munoz", Lancaster Online, Oct. 15, 2020 at https://lancasteronline.com/news/local/da-no-question-officer-was-justified-in-lancaster-city-fatal-shooting-of-ricardo-mu-oz/article_ea7d209e-0e10-11eb-b2c5-4be8dfa2ee90.html as of Feb. 8, 2022.

While Black Lives Matter, The 1619 Project, and others would have us believe police can get away with murder, the facts show otherwise. The recent convictions of Derek Chauvin and Kimberly Potter show that, when there is actual evidence, police officers can be convicted. While the first trial of Michael Slager, accused of murdering Walter Scott, ended in a hung jury, a second trial resulted in a conviction and a 20-year sentence.³⁵ What will not happen is the judicial lynching of an innocent officer such as Darren Wilson, no matter how much the anti-police mob way demand it.

The focus on black lives has included what must be a deliberate habit of ignoring whites who are killed by the police in deplorable circumstances. Consider the case of Patricia Cook, who was sitting in her car in a school parking lot in Culpeper, Virginia. When the school asked the police to check on the stranger, Cook refused to talk to the officer. He opened fire, and continued firing as she tried to drive away, killing her.³⁶ Had Cook been black, this would have been national news, “proving” that police are indiscriminately killing innocent, unarmed blacks. Because Cook’s skin was the wrong color, the national media ignored her.

And what about John Geer? Here was a case that actually fit the Michael Brown story, turning myth into reality. He was “standing with his hands up”, unarmed, when a Fairfax County, Virginia policeman opened fire and killed him. None of the other police officers present had noticed Geer do anything threatening.³⁷ The police officer was eventually convicted and sentenced to one year in jail.³⁸ No one made a national story out of this shooting (or the light penalty). Do white lives matter?

What about the claim that the police are an unwelcome, occupying force in black urban neighborhoods? As The 1619 Project puts it, this is the belief that “police officers are simply the enforcement mechanism of a vastly unequal society maintained by historic and systemic racism.”³⁹ According to Ibram Kinde, “no one could explain all of this better” than Eldridge Cleaver, whom Kinde then quotes as saying “The police are the armed guardians of the social

³⁵ Dwyer, Colin, “Former S.C. Officer Who Killed Walter Scott Sentenced to 20 Years in Prison”, NPR, Dec. 7, 2017 at <https://www.npr.org/sections/thetwo-way/2017/12/07/569070544/former-s-c-officer-who-killed-walter-scott-will-be-sentenced-to-up-to-24-years> as of Feb. 8, 2022.

³⁶ Riggs, Mike, “Culpeper Cop Who Shot and Killed Patricia Cook Sentenced to Three Years in Prison”, *Reason*, May 3, 2013 at <https://reason.com/2013/05/03/culpeper-cop-who-shot-and-killed-patrici/> as of Feb. 8, 2022.

³⁷ “Wrongful death: Family of police shooting victim John Geer receives \$3 million settlement”, MSL PLLC, at <https://www.msllegal.com/blog/wrongful-death-family-of-police-shooting-victim-john-geer-receives-3-million-settlement/> as of Feb. 8, 2022.

³⁸ Jackman, Tom, “Ex-Fairfax police officer who killed John Geer sentenced to one year”, *The Washington Post*, June 24, 2016 at <https://www.washingtonpost.com/news/true-crime/wp/2016/06/24/ex-fairfax-police-officer-who-killed-john-geer-returns-to-court-friday-for-sentencing/> as of Feb. 8, 2022.

³⁹ Jones, *The 1619 Project*, pg. 455.

order. The blacks are the chief domestic victims of the social order.”⁴⁰ And we must never overlook Michelle Alexander, who tells us that having police arrest lawbreakers who are then prosecuted and jailed must be seen “as a form of organized violence *against* our communities, rather than a meaningful response to violence committed by individuals *within* our communities.”⁴¹

This point of view clearly demands that its adherents call for “defunding the police” or even outright abolition.

But is that really how urban blacks see the police?

Some areas have had the chance to learn what happens when the police presence is reduced. This may be because there are fewer police due to defunding or accelerated retirements following the demonization of the police. It may happen because of new, more restrictive rules limiting what police can do. It may happen because the police believe that they must keep a low profile to minimize the risk of being unfairly condemned, as happened to Officer Darren Wilson (which is why this is often called “the Ferguson effect”).

Heather MacDonald, the author of *The War on Cops*, interviewed black New York City residents to gauge their reaction to the prohibition on the sort of proactive policing that had dramatically brought down crime in the city since the 1990’s. These interviews confirmed the polling which showed that 61% of blacks (a larger majority than whites) wanted the police to take a more active, preventive role.⁴² One elderly woman told her, “As long as you see the po-lice, everything’s A-OK. The building is safe” Another woman, discussing the police presence, declared “I love it. . . . Me being a woman, I feel safe.”⁴³ A retired bus driver commented that “You cannot turn your back on crime; it’s here. You need law enforcement, and they should make stops.” A 13-year old boy explained that “I feel safer with the police. . . . There’s a whole bunch of gangbangers around my school. That’s why the police are over there. When I see an officer, I be like: ‘Hey, good job.’”⁴⁴

⁴⁰ Kinde, *Stamped from the Beginning*, pg. 401.

⁴¹ Alexander, *The New Jim Crow*, pg. xxxi.

⁴² MacDonald, Heather, *The War on Cops* (Encounter Books, 2016), pg. 63.

⁴³ *Ibid.*, pg. 94-95.

⁴⁴ *Ibid.*, pg. 116.

When the police are not able to do their job, the poor black neighborhoods in the cities suffer – and there has been a lot of suffering. Following the death of George Floyd, the Minneapolis City Council cut funding for the police⁴⁵ and pledged to abolish the police force.⁴⁶ What followed

was a surge in violent crimes, especially murder, reversing what had been a downward trend, and “the city’s most diverse and low-income neighborhoods saw the bulk of the violence.”⁴⁷ When voters were given a chance to decide, they strongly rejected a referendum to abolish the police.⁴⁸ Now, the police budget is being increased and more officers are being hired.⁴⁹

When the Louisville police department came under severe criticism and an investigation by the US Department of Justice following the death of Breonna Taylor, officers headed for the exits and the department was short 300 officers by late 2021. Crime, including murders, rose sharply. A *Washington Post* reporter found that “Residents say they want more officer patrols and more resources to reduce shootings and address lesser concerns.”⁵⁰

Public support for the police was evident in city elections last year, with *The Washington Post* reporting that “From Buffalo to Seattle, Democratic politicians who once championed significant reductions or reallocations of police department budgets, are backtracking.”⁵¹

While certain radical elements may see the police as a violent, lawless, occupying force, far more people of all races see the police as a vital protection against the real criminals.

Enforcing the Law

If the complaints about police violence have turned out to be baseless, what about the idea that policing and law enforcement in general are unfairly focused on arresting and convicting black

⁴⁵ Sadler, Kelly, “Minneapolis backtracks on defunding police”, *The Washington Times*, Feb. 15, 2021 at https://www.washingtontimes.com/news/2021/feb/15/minneapolis-backtracks-defunding-police/?utm_source=GOOGLE&utm_medium=cpc&utm_id=chacka&utm_campaign=TWT+-+DSA&gclid=EAJalQobChMI-_Xcguvy9QIVmRXUAR04MQx8EAAAYASAAEgKz6PD_BwE as of Feb. 9, 2022.

⁴⁶ Cilliza, Chris, “Even Democrats are now admitting ‘Defund the Police’ was a massive mistake”, CNN, Nov. 5, 2021 at <https://www.cnn.com/2021/11/05/politics/defund-the-police-democrats/index.html> as of Feb. 9, 2022.

⁴⁷ “Minneapolis Nears Record Homicide Count for 2021”, Associated Press in *US News & World Report*, Dec. 31, 2021 at <https://www.usnews.com/news/best-states/minnesota/articles/2021-12-31/minneapolis-nears-record-homicide-count-for-2021> as of Feb. 9, 2022.

⁴⁸ Kaste, Martin, “Minneapolis voters reject a measure to replace the city’s police department”, NPR, Nov. 3, 2021, at <https://www.npr.org/2021/11/02/1051617581/minneapolis-police-vote> as of Feb. 9, 2022.

⁴⁹ Navratil, Liz, “Minneapolis police spending rises as defund movement fades”, *Star Tribune*, Dec. 11, 2021 at <https://www.startribune.com/minneapolis-police-spending-rises-as-defund-movement-fades/600126143/> as of Feb. 9, 2022.

⁵⁰ Nakamura, David, “Out of Louisville’s pain, a test case in reform”, *The Washington Post*, Nov. 22, 2021, pg. A1.

⁵¹ Craig, Tim, “Democrats in mayor’s races backtrack on police pledges”, *The Washington Post*, Nov. 1, 2021, pg. A1.

people? According to Ibram Kinde, whites and blacks commit crimes at the same rates, and therefore it is logical they should be arrested and convicted at the same rates.⁵² Indeed, Kinde has proposed a constitutional amendment that would require such “equal” treatment.⁵³

Others may not be as blunt as Kinde, but they do insist that urban black neighborhoods are subjected to “overpolicing”. Michelle Alexander complains that “seemingly race neutral factors – such as location – operate in a highly discriminatory fashion. . . . Subjecting people to stops and searches because they live in ‘high crime’ ghettos cannot be truly said to be race neutral”⁵⁴ She suggests that the war on drugs could be carried out very differently. “SWAT teams

could have rappelled from helicopters in gated suburban communities. . . . Suburban homemakers could have been placed under surveillance”⁵⁵

Cash bail

Non-prosecution

Disparate racial impact

Mass incarceration (drug crimes, racial proportions) (family separation)

Forced ghetto – Alexander xxxvi

1990’s followed by lower crime rate – caused by legal changes?

Is it impossible to obey the law?

⁵² Kinde, *Stamped from the Beginning*, pg. 1 and 414.

⁵³ Kendi, Ibram X., “Pass an Anti-Racist Constitutional Amendment”, *Politico Magazine* at [How To Fix Inequality: Pass an Anti-Racist Constitutional Amendment - POLITICO](#) as of Feb. 14, 2022.

⁵⁴ Alexander, *The New Jim Crow*, pg. 165.

⁵⁵ *Ibid*, pg. 155.

<https://www.dailymail.co.uk/news/article-8759873/Minneapolis-welcomes-armed-group-black-men-patrolling-streets-death-George-Floyd.html>

https://www.washingtonpost.com/national/citizen-patrols-make-statement-in-minneapolis/2020/06/06/cc1844d4-a78c-11ea-b473-04905b1af82b_story.html

<https://www.washingtonpost.com/nation/2021/04/12/minneapolis-little-earth-police-alternative/>

<https://www.washingtonpost.com/news/volokh-conspiracy/wp/2016/07/18/police-shootings-and-race/> Heather MacDonald in Post

Use Fairfax County study that found bias against whites