

**Written Testimony of
Heather Mac Donald
Fellow, Manhattan Institute
Before the United States Senate Committee on the Judiciary
Subcommittee on Oversight, Agency Action, Federal Rights and Federal Courts**

**Hearing on “The War on Police: How the Federal Government Undermines State and
Local Law Enforcement”
November 17, 2015**

Esteemed Senators, my name is Heather Mac Donald. I am a fellow at the Manhattan Institute, a think tank in New York City. I have written extensively on policing and crime. I am honored to address you today on the war on the police.

For the last year, the nation has been convulsed by a protest movement known as Black Lives Matter. The movement holds that police officers are the greatest threat facing young black men today and that the criminal justice system is infected with racial bias. That belief has led to riots, die-ins, the assassination of police officers, a campaign to eliminate traditional grand jury proceedings when police use lethal force, and a presidential task force on policing. Cops are now routinely called racists and murderers at protests and as they go about their daily duties. Policing in urban areas has become dangerously fraught, with jeering, hostile crowds surrounding officers and interfering with their authority when they try to make an arrest or conduct an investigation.

President Barack Obama has done little to rebut the central theses of the Black Lives Matter movement; indeed, he has amplified them over the last year. Speaking in New York City this May, for example, the President claimed: “The law is not always applied evenly in this country. [Young black men] experience being treated differently by law enforcement — in stops and in arrests, and in charges and incarcerations. The statistics are clear, up and down the criminal justice system. There's no dispute.”

In September, at a Congressional Black Caucus awards dinner in Washington, DC, President Obama called the criminal justice system a “profound barrier to opportunity in too many communities.” He added: “We need to make sure the laws are applied evenly. This is not a new problem. It’s just that in recent months, in recent years, suddenly folks have videos and body cameras, and social media, and so it’s opened our eyes to these incidents.”

In fact, there is no government agency more dedicated to the proposition that black lives matter than the police. Tens of thousands of black lives have been saved thanks to the data-driven policing revolution that began in the mid-1990s in New York City and spread nationally. The police could end all uses of lethal force tomorrow, and it would have a negligible effect on the black death-by-homicide rate. Over 6000 blacks are murdered each year, more than the number of white and Hispanic murder victims combined, even though blacks are less than 13% of the nation’s population. Their murderers are neither the police nor white civilians, but overwhelmingly other blacks. The rate of police shootings of blacks—less than one-third of all police fatalities—is less than what the black crime rate would predict. Over the past decade,

blacks were responsible for 40% of all known homicides of law enforcement officers. Blacks were charged with 62% of all robberies and 57% of all murders in the 75 largest U.S. counties in 2009. I request permission to submit for the record the relevant Justice Department documents.

You wouldn't know it from the Black Lives Matter movement, but countless law-abiding residents in inner-city communities fervently support the police. This June, I attended a police-community meeting in New York City's South Bronx. An elderly woman spontaneously exclaimed: "Oh, how lovely when we see the police; they are my friends!" Residents begged for a police surveillance tower to protect them against gang shootings and asked the police to break up the crowds of teens hanging out on corners and fighting. A routine request at police-community meetings in urban areas is for more drug enforcement, not less. "We want the dealers off the corner; you arrest them and they're back the next day," is the common complaint.

These voices are rarely heard in the media.

As for the broader claim that the criminal justice system is biased, that, too, is false. Criminologists have tried to find evidence of such bias for years and have always come up short. The overrepresentation of blacks in prison is a function of their elevated crime rates, the analysts have been forced to conclude. I request permission to submit for the record "Is the Criminal Justice System Racist?," from the City Journal, which addresses this question in depth.

Crime is now spiking across the country. FBI Director James Comey observed in October: "Most of America's 50 largest cities have seen an increase in homicides and shootings this year, and many of them have seen a huge increase." Since summer, police chiefs and mayors have been meeting in emergency sessions to strategize over the double digit rise in homicides and shootings. The New York Times reported in September that homicides in 35 big American cities were up 19% and that 62% of cities reported an increase in non-fatal shootings. The blog Five Thirty Eight looked at homicide data from most of the nation's 60 largest cities in September and found a 16 % percent rise.

Director Comey also suggested that the cause of this crime spike is what I and others have dubbed the "Ferguson effect." For the last year, activists have relentlessly denounced pedestrian stops and public order enforcement as racist. In response, officers are doing less of those activities, a reaction both predictable and understandable. Officers worry that if they have to use force against a resisting suspect, a cell phone video will fail to capture the behavior that provoked the use of force and could cost them their career. Rather than getting out of their cars to question someone hanging out on a known drug corner at 1 am, say, they now increasingly just drive on by.

The available data document this drop in proactive policing. In New York City, for example, summons for low-level, quality-of-life offenses like public urination and drinking were down 26% in the first half of 2015; arrests in every crime category were down 15% as of late October, even as homicides were up 8%. In Los Angeles, arrests are down 10%--even as violent crime is up 20%. Arrests dropped 56% in Baltimore in May following the anti-cop riots and the indictment of six officers for the death of drug dealer Freddie Gray.

Despite evidence of the crime surge and the reason for it, President Obama had the temerity this month to accuse Director Comey of “cherry-picking data” and pursuing a “political agenda.” The idea that President Obama knows more about crime patterns and policing than the FBI director is ludicrous.

The acting chief of the Drug Enforcement Administration, Chuck Rosenberg, has seconded Comey’s observations about the Ferguson effect, leading to Rosenberg’s own dressing down from the White House.

Police departments must and usually do work relentlessly on improving officer courtesy and making sure that officers use lethal force only as a last resort. But the President’s delegitimation of law enforcement is dangerous and irresponsible. It puts officers’ lives at risk, since suspects are more likely to resist arrest with force if they believe that the cops are racist. It puts the lives of law-abiding residents of crime-ridden neighborhoods at risk, since when the cops back off, crime shoots up. But it also threatens the legitimacy of law and order itself, which puts our very civilization at risk.