The Riot Show!

What if they held a race riot and the news media stayed away? At the very least, we would be spared the nauseating spectacle of sycophantic reporters fawning on opportunistic thieves, as happened yet again during the outbreak of antipolice violence in Baltimore in April 2015. We wouldn’t see talking heads blaming the mayhem on “desperate poverty” or on “disparity,” or characterizing it as an “uprising” born of understandable anger. More important, the vandals would lose a bounty as valuable as their purloined booty: notoriety and legitimacy.

The riots held in the name of Freddie Gray, the drug dealer who died of a spinal injury in police custody, followed a drearly familiar script. Upon the first outbreak of violence, a crush of reporters flock to the scene with barely suppressed cries of glee. Surrounded by sound trucks and camera crews, outfitted with cell phones and microphones, they breathlessly narrate each skirmish between police and looters for the viewing public, thrusting their microphones into the faces of spectators and thugs alike to get a “street” interpretation of the mayhem. The studio anchors melodramatically caution the reporters to “stay safe,” even though the press at times may outnumber looters as well as the police. Meanwhile, the thieves get to indulge in the pleasures of anarchic annihilation while enjoying the desideratum of every reality-TV cast: a wide and devoted audience.

The performative quality of the live, televised race riot has created a new genre: riot porn, in which every act of thuggery is lasciviously filmed and parsed in real time for the benefit of at-home viewers. “Did you see
that?" CNN reporter Miguel Marquez asked studio anchor Wolf Blitzer when vandals slashed a fire hose as businesses burned on April 27. "Wolf, if you just saw that, they just, while we were talking there, they just cut the hose with a knife. . . . there are others who are thwarting the authorities at every turn." (Marquez is given to philosophizing on social justice as he walks alongside protesters during antipolice demonstrations.)

Wolf confirmed that he had, in fact, seen the close-up footage: "I just saw that guy, yeah, I just saw that guy cut the hose as well, [a guy] with a gas mask." Naturally, the TV audience also got to see the vicious sabotage. The street scene at these televised riots can be eerily static. People mill around listlessly like extras on a movie set. Within that sea of idleness, more energetic thugs, perched on the roofs of police cruisers, stomp out the cars' windshields or throw garbage cans through the rear windows. The smartphone camera has only magnified the specular nature of the anarchy, as passersby memorialize their own presence at the festival of lawlessness.

As in the race riots in Ferguson, Missouri, CNN topped all other television channels for relentless oversaturation, keeping a phalanx of reporters in West Baltimore around the clock to meditate portentously on the meaning of the riots long after the looting was finally suppressed. Among national print outlets, the New York Times had the most frenzied output, with four or five stories a day on policing and racism, topics that the Times had already been obsessively pursuing for the last nine months. Both organizations diminished their coverage of Baltimore only marginally in the days and weeks after the fires were extinguished.

Thanks in large measure to the media deluge, the ideological yield from this urban tantrum was considerable. Inevitably, academics and pundits conferred political legitimacy on the riots, deeming them, in the words of the online publication Vox, "a serious attempt at forcing change." Baltimore's mayor, Stephanie Rawlings-Blake, apologized for calling the rioters "thugs." President Obama and Hillary Clinton both affirmed the dangerous myth that the criminal-justice system is racist. Speaking at Lehman College in the Bronx a week after the Baltimore riots, President Obama opined that 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. Columnists v. someth more li:

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system. There’s no dispute.” Hillary Clinton played the same theme at Columbia University several days after the riots: “We have to come to terms with some hard truths about race and justice in America. There is something profoundly wrong when African-American men are still far more likely to be stopped and searched by police, charged with crimes, and sentenced to longer prison terms than are meted out to their white counterparts.”

This claim of disparate treatment is simply untrue. For decades, liberal criminologists have tried to corroborate the Left’s cherished belief that the criminal-justice system responds to similarly situated whites and blacks unequally. The effort always comes up short. “Racial differences in patterns of offending, not racial bias by police and other officials, are the principal reason that such greater proportions of blacks than whites are arrested, prosecuted, convicted and imprisoned,” concluded Michael Tonry, a criminologist, in his book Malign Neglect (1995). A Justice Department survey of felony cases from the country’s 75 largest urban areas, conducted in 1994, found that blacks had a lower chance of prosecution following a felony than whites, and were less likely to be found guilty at trial. Blacks were more likely to be sentenced to prison following a conviction, but that result reflected their past crimes and the gravity of their current offense (a subject examined in Chapter 19).

The rioting in Baltimore also gave fresh impetus to the liberal narrative about cities: that their viability depends on government spending. “There are consequences to indifference,” Obama said at Lehman College. New York Times columnist Paul Krugman opined that the riots “have served at least one useful purpose: drawing attention to the grotesque inequalities that poison the lives of too many Americans.” Krugman blamed stingy federal outlays for the “grotesque inequalities.”

The idea that the federal and local governments have been “indifferent” to urban decay is ludicrous. Taxpayers have coughed up $22 trillion on more than 80 means-tested welfare programs (not including Social Security, Medicare, or grants for economic development) since the War on Poverty was launched in 1964, according to the Heritage Foundation. In the 1990s, Baltimore “invested” $130 million in public and nonprofit dollars to transform the West Baltimore neighborhood where Freddie Gray lived, to no effect, as National Review's Ian Tuttle has documented.
This lack of effect is not surprising. Baltimore’s crime rate has been among the nation’s highest for decades. In 2013, the only cities with higher murder rates were Detroit, New Orleans, Newark, and St. Louis. Baltimore’s violent-crime rate is over twice that of New York. That violence would have doomed any hope for economic revival in high-crime areas even without the destruction of 350 businesses by arson and looting. West Baltimore residents complained to the tenacious post-riot crowd of reporters that Baltimore’s Inner Harbor area was spiffy and thriving, while their neighborhood was not. But potential business owners, if they have any other options, are not going to locate in a neighborhood where they fear for the safety of their employees and customers. Lowered crime is a precondition to economic revival, not its consequence. New York’s economic renaissance began only when crime started plummeting in 1994, thanks to a policing revolution there.

The post-riot media narrative virtually ignored Baltimore’s sky-high crime in favor of an all-consuming focus on allegedly racist policing practices. To its credit, the Baltimore Sun noted the shooting rampage that began after Freddie Gray was arrested on April 12 and escalated following the riots, as officers backed off from proactive enforcement. From April 28, the day after the most destructive riot, to May 7, there were 40 shootings, including ten on May 7. Fifteen people were murdered during that period, more than one a day. The total of 82 homicides from the beginning of 2015 through May 7 was 20 more than the number at the same point in 2014. All these deaths did nothing to dislodge the “Black Lives Matter” conceit that the biggest threat facing young black men today is the police, rather than other young black men. None of Baltimore’s post-riot killings has triggered protests.

Baltimore police officers now face a street environment that is even more dangerous and hostile than usual. A total of 155 officers were injured, 43 seriously, during the riots. Every arrest now brings a crowd of bystanders pressing in, jeering, and spreading lies about the encounter. On May 4, 2015, officers received a call about a man with a gun at the corner of a torched CVS store. His movements, captured on a police camera, also suggested that he had a gun. The suspect, 23-year-old Robert Edward “Meech” Tucker, had previously been convicted on gun and drug charges. When the officers approached him, he took off running (just as Freddie
Gray did when he saw officers watching him). Tucker’s gun fired. Tucker then dropped to the ground and began screaming and rolling around as if he had been shot. Bystanders claimed that they had seen the police shoot him. The crowd threw bricks, Clorox bottles, and water bottles at the officers; one man lunged at them but was held back by other pedestrians. In fact, no officer had discharged his gun or even taken aim at Tucker. Even though Tucker had not been shot, not even by his own gun, word in the street continued to maintain that the cops had shot him.

Such lying about interactions between officers and civilians is endemic in urban areas. But even after the country witnessed the evisceration of the Michael Brown “hands up” hoax by none other than the federal Department of Justice, the media and the authorities have continued to seek out allegations of officer misconduct and to treat them as the gospel truth. The New York Times quoted a drug dealer as an authority on the Baltimore police: “They trip you, choke you out, cuss you out, disrespect you.” Maybe so. (The antipolice bar won judgments or settlements against the Baltimore Police Department in more than a hundred civil rights and brutality cases from 2011 to 2015, a fact that could reflect a pattern of abuse or a pattern of aggressive litigation and a supine city law department.) But it is also possible that the drug dealer was lying through his teeth. It never occurs to elite opinion-makers that the pervasiveness of crime in the inner city creates a large block of residents—not just criminals but their friends and families as well—who view and treat the police as antagonists.

The riots also led to rushed and likely excessive criminal charges against the six officers involved in the arrest and transport of Freddie Gray. (Four officers face homicide counts ranging from involuntary manslaughter to second-degree murder.) Upon announcing the charges mere hours after receiving Gray’s autopsy and a day after receiving a police report on the arrest, Baltimore’s prosecutor, Marilyn Mosby, declared that she had heard the “call for ‘no justice, no peace.’” Positioning herself as the head of a crusade rather than as part of a legal system dedicated to prosecuting individual cases, not causes, Mosby continued in an Obama-esque vein: “Last but certainly not least, to the youth of the city: I will seek justice on your behalf. This is a moment. This is your moment. Let’s ensure we have peaceful and productive rallies that will develop structural
and systemic changes for generations to come. You’re at the forefront of this cause, and as young people, our time is now.”

Mosby had already displayed her penchant for the crassest of racial rabble-rousing following the grand-jury decision not to indict Officer Darren Wilson for the shooting death of Michael Brown. Mosby, reported St. Louis Public Radio, questioned the “motives” of Robert McCulloch, the St. Louis County district attorney who presented the Wilson case to the grand jury. On Baltimore TV, Mosby said, “In Ferguson, over 68 percent of the population is black and less than 6 percent votes.” (She did not explain why that low turnout is the fault of anyone other than the nonvoters.) “So you have an individual who is in office and does not share your interests and values and is making decisions about your daily life… We say bring in special prosecutions.”

Mosby reversed herself regarding special prosecutors when the Baltimore Fraternal Order of Police called for one in the Freddie Gray case, expressing concerns that Mosby had several financial and familial conflicts of interest. “I can tell you that the people of Baltimore City elected me,” Mosby said at a press conference after the six officers were indicted, “and there’s no accountability with a special prosecutor.” One could only hope that the criminal-justice system would backstop whatever accountability to the facts Mosby herself might feel.

While the second-degree-murder charge against the driver of the police van carries the direst individual consequences, Mosby’s charge of “false imprisonment” against the arresting officers raises a risk of shutting down policing across Baltimore. Mosby alleged that the switchblade knife possessed by Gray was not illegal under Maryland law. The Baltimore police responded that it was prohibited under a city code. Even if Mosby’s reading of the knife statutes is correct, her imposition of criminal liability for an officer’s good-faith interpretive error is preposterous. The remedy for an arrest not supported by probable cause is to throw the case out at the station house or prosecutor’s office, or in court.

If officers face prison terms for trying to keep the streets safe, they will stop making discretionary arrests. Baltimore’s spike in gun violence suggests that such de-policing has already begun. Meanwhile, shortly after the riots, Mayor Rawlings-Blake requested that the U.S. Justice Department investigate the Baltimore police for systemic civil rights
violations, and Attorney General Loretta Lynch agreed the next day. The result may be more handcuffing of the police in their efforts to protect lives in poor neighborhoods—a result encouraged by the media spin on the Baltimore riots.

A riot’s unchecked destruction of livelihoods and property is certainly newsworthy, threatening, as it does, the very possibility of civilization. The breakdown of law and order is a policy concern of enormous note. But the 24-hour cable-news cycle, with its insatiable craving for live visual excitement, creates a codependency between reporters and rioters, while the politics of the mainstream media guarantees a “root causes” exculpation of the violence. Short of a filming blackout on the actual violence, riots should be covered in sorrow, shame, and dismay.
The most pressing question every morning in Baltimore is how many people were shot the previous night. By the end of May 2015, according to Baltimore police, the rate of gun violence for the year had climbed more than 60 percent over the same period in 2014, with 32 shootings over Memorial Day weekend alone. May 2015 was the most violent month the city had seen in 15 years.

Baltimore is just one indicator that the nation's two-decade-long crime decline may be over. Gun violence, in particular, is spiraling upward in cities across America. In Cleveland, homicides for 2015 increased by 90 percent over the previous year. Through the end of April 2015, shootings in St. Louis were up 39 percent, robberies 43 percent, and homicides 25 percent. Murders in Nashville rose 83 percent in 2015; Milwaukee closed out the year with a 72 percent increase in homicides. Shootings in Chicago had increased 24 percent and homicides 17 percent by May 2015; that surge continued into 2016, with more than 100 Chicagoans shot in the first ten days of the new year, a threefold increase from the same period in 2015. Washington, D.C., ended 2015 with a 54 percent increase in murders; Minneapolis was up 61 percent in homicides. This ongoing crime spike is a stark contrast to the 20-year trend of increasing public safety that continued into the middle of 2014, and cities with large black populations have been hit the hardest.

The most plausible explanation for the surge in lawlessness is the intense agitation against American police departments that began in the summer of 2014. The airwaves filled up with suggestions that the police
are the biggest threat facing young black males today, in the wake of a handful of highly publicized deaths of unarmed black men, typically following resistance to arrest—most famously, Eric Garner on Staten Island, New York, in July 2014; Michael Brown in Ferguson, Missouri, in August 2014; and Freddie Gray in Baltimore in April 2015. In the midst of violent protests and riots, including attacks on the police, President Obama and Attorney General Eric Holder embraced the notion that law enforcement in black communities is infected by bias. The news media have pumped out a seemingly constant stream of stories about alleged police mistreatment of blacks, with the reports often buttressed by cell-phone videos that rarely capture the behavior that caused an officer to use force.

Almost any police shooting of a black person, no matter how threatening the behavior that provoked the shooting, now stirs up angry protests, like those that followed the death of Vonderrit Myers in October 2014. The 18-year-old Myers, awaiting trial on gun and resisting-arrest charges, had fired three shots at an officer at close range in St. Louis. Arrests in black communities have become even more fraught than usual.

Not only are police officers at risk of violent attack, but acquittals of officers for the use of deadly force against black suspects are now automatically characterized as a miscarriage of justice. Proposals aimed at producing more convictions of cops abound, but New York State seems especially enthusiastic about the idea. Governor Andrew Cuomo signed an executive order in July 2015 that takes police lethal-force cases away from local district attorneys and refers them to the state's attorney general for investigation and prosecution. The state attorney general's office now has an entire prosecutorial unit dedicated exclusively to prosecuting cops. The District Attorneys Association of the State of New York and local law enforcement unions objected to Cuomo's order as gravely flawed because it created a separate justice system for police officers, among other reasons.

The incessant drumbeat against the police has resulted in what Sam Dotson, police chief of St. Louis, called the "Ferguson effect." Cops are disengaging from discretionary enforcement activity, and the "criminal element is feeling empowered," Dotson reported in November 2014. By that point, arrests in the city and county of St. Louis had dropped a third since the shooting of Michael Brown in August. Not surprisingly,
homicides in the city had surged 47 percent by early November and robberies in the county were up 82 percent.

Similar “Ferguson effects” are happening across the country as officers scale back on proactive policing under the onslaught of anti-cop rhetoric. Arrests in Baltimore, for instance, were down 56 percent in May 2015, compared with 2014.

“Any cop who uses his gun now has to worry about being indicted and losing his job and family,” a New York City officer told me. “Everything has the potential to be recorded. A lot of cops feel that the climate for the next couple of years is going to be nonstop protests.”

Police officers now second-guess themselves about the use of force. “Officers are trying to invent techniques on the spot for taking down resistant suspects that don’t look as bad as the techniques taught in the academy,” said Jim Dudley, former deputy police chief in San Francisco. Officers complain that civilians don’t understand how hard it is to control someone resisting arrest.

A New York City cop told me that he was amazed to hear people scoffing that Officer Darren Wilson, who killed Michael Brown in Ferguson, looked only “a little red” after Brown assaulted him and tried to grab his weapon: “Does an officer need to be unconscious before he can use force? If someone is willing to fight you, he’s also willing to take your gun and shoot you. You can’t lose a fight with a guy who has already put his hands on you because if you do, you will likely end up dead.”

The level of hostility toward the police has skyrocketed, observed Milwaukee police chief Edward A. Flynn: “I’ve never seen anything like it. I’m guessing it will take five years to recover.” Officer morale has understandably plummeted as a consequence. Even if it were miraculously to rebound, there are policies being put into place that will make it harder for the police to keep crime down in the future. Those initiatives reflect the belief that any criminal-justice action that has a disparate impact on blacks is ipso facto racially motivated.

In New York, pedestrian stops—when the police question and sometimes frisk individuals engaged in suspicious behavior—have dropped nearly 95 percent from their high point in 2011, thanks to litigation charging that the NYPD’s stop, question, and frisk practices were racially biased. A judge agreed. (Two of those cases will be discussed in Chapters
Mayor Bill de Blasio, upon taking office in 2014, embraced the resulting judicial monitoring of the police department. It is no surprise that shootings increased in the city.

Politicians and activists in New York and other cities have taken aim at Broken Windows policing, which has shown remarkable success in reducing crime since the 1990s. The strategy (as noted earlier) targets low-level public-order offenses so as to diminish the air of lawlessness in rough neighborhoods and get criminals off the streets before they commit bigger crimes. Opponents of Broken Windows policing somehow fail to notice that law-abiding residents of poor communities are among the strongest advocates for enforcing laws against public drinking, trespassing, drug sales, and drug use, among other public-order laws.

As attorney general, Eric Holder pressed the cause of ending "mass incarceration" on racial grounds; elected officials across the political spectrum have jumped on board. In California, years of litigation (discussed in Chapter 21) had already been advancing a deincarceration agenda before a voter initiative in 2014, Proposition 47, retroactively downgraded a range of property and drug felonies to misdemeanors, including forcible theft of guns, purses, and laptops. As of late May 2015, more than 3,000 felons had already been released from California prisons, according to the Association of Deputy District Attorneys in Los Angeles County. Burglary, larceny, and car theft had surged in the county, the association reported. (Prop. 47 and its aftermath are examined in more detail in Chapter 22.)

"There are no real consequences for committing property crimes anymore," said Los Angeles police lieutenant Armando Munoz to Downtown News in May 2015, "and the criminals know this." The Milwaukee district attorney, John Chisholm, has diverted many property and drug criminals to rehabilitation programs in order to reduce the number of blacks in Wisconsin prisons; critics see the rise in Milwaukee crime as one result.

If these decriminalization and deincarceration policies backfire, the people most harmed will be their supposed beneficiaries: black Americans, since they are disproportionately victimized by crime. No government policy in the past quarter-century has done more for urban reclamation than proactive policing. Data-driven enforcement, in conjunction with stricter penalties for criminals and Broken Windows
policing, has saved thousands of black lives, brought lawful commerce and jobs to once-drug-infested neighborhoods, and allowed millions to go about their daily lives without fear.

To be sure, any fatal police shooting of an innocent person is a horrifying tragedy, and police training must work incessantly to prevent such an outcome. But unless the demonization of law enforcement ends, the liberating gains in urban safety that began with a proactive policing strategy will be lost.