them as "inflammatory" and "unfair" attacks by political enemies. He is already claiming great success for NCLB.

Dishonesty has cropped up all over the country in the wake of accountability programs. South Carolina reported 2001 graduation rates of 87 percent; on closer inspection, it turned out to be 57 percent. California claimed a rate of 87 percent when it was really 70 percent. Indiana reported a graduation rate of 90 percent that was actually 74 percent.

One reason for high dropout rates is that schools push out weak students so they can raise test scores and comply with accountability programs. *The New York Times* recently found that five to ten percent of New York City students are pushed out of school. The same thing happens in Miami.

When states require accountability, the number of students classified as "learning disabled" suddenly rises—because they are excused from testing. In North Carolina, the number of students excused from testing more than doubled from four percent to 10 percent after the state set performance requirements.

NCLB also has penalties for "persistently dangerous" schools, but leaves the definition of "persistently dangerous" up to the states. The result is yet more dishonesty. This year, California reported it had no persistently dangerous schools, although one Los Angeles high school had 289 battery cases, two assaults with a deadly weapon, a robbery, and three sex offenses during 2001-2. School officials are also rumored to be sweeping crime under the carpet.

The Democratic charge that NCLB is an "unfunded mandate" is also true. Good schools that get an influx of students from bad schools will have to hire new teachers and maybe even build new classrooms, but the law does not now cover these costs. "Failing" schools must hire tutors for poor students, but no one

They are all being left behind.

know how much tutoring they will need. These costs come on top of the expense of developing tests and training "highly qualified" teachers. If the government is serious about NCLB, it will have to spend a lot more money.

Also, since the act shifts disproportionate amounts of money to students who are "left behind"—minorities—it means failing minorities will cost white taxpayers even more than they do now. States may even have to cut spending on white students to fund the required increases for non-whites. Many states have already cut their meager programs for gifted children so as to shovel money into the gaping maw of NCLB.

Because the new system will make it look as though entire schools—not just

minorities—are failing, many states will be tempted to design ridiculously simple tests non-whites can pass. They will be free to do this because the definition of "proficiency" is largely up to the states. The result will be a patchwork of different tests, and a child who is proficient in one state will be a failure in another.

Finally, transferring students from failing schools to successful ones means busing inner-city bruisers to white schools. The results are likely to be the same as in the 1960s and 1970s, when busloads of poor blacks threw happy, successful schools into chaos. Under busing, test scores plummeted.

On the other hand, some good may actually come of this law. The NEA resists even the most obviously needed changes in schools. NCLB gives government officials the power to go over the head of the NEA and dismiss incompetent teachers and principals, and turn failing schools into charter schools. The administration is generally hostile to education fads and multicultural nonsense, so putting more power in its hands may result in some improvement.

Finally, the inevitable failure of NCLB to close the racial gap will be further proof of the intractability of racial differences. The neo-conservatives who smugly tout charter schools and accountability on television will end up failing just as badly as the liberals did. The failure of one more expensive government program to make blacks and Hispanics act like white people will nudge America further towards racial understanding. Ω

Black and Blue

Heather MacDonald, *Are Cops Racist? How the War Against Police Harms Black Americans,*
Ivan R. Dee, 2003, 170 pp., $22.50.

A good start on racial profiling.

reviewed by Stephen Webster

During the 1980s, when drug violence reached all-time highs, blacks accused the police of bias for avoiding their neighborhoods and leaving them at the mercy of criminals. By the end of the 1990s, more aggressive policing in high-crime (mainly black) areas had helped reduce the

nation's violence rates by 25 percent. In New York City, crimes of all kinds fell an astonishing 64 percent between 1993 and 2001, to a level of safety the city had not seen in decades.

However, as Heather MacDonald of the Manhattan Institute writes in this collection of articles originally published in *City Journal*, police were met with accusations of racism rather than the praise they deserved. To black race-hustlers, their liberal white promoters, and their allies in the press, police were unfairly targeting blacks and other minori-

ties. The great "racial profiling" hullabaloo, in other words, came on the heels of one of the greatest policing successes in American history.

As Miss MacDonald explains, there is no evidence police unfairly target non-whites. Police go after criminals. It may be an inconvenient fact for some, but criminals are disproportionately black. She sees the entire furor over "racial profiling" as a massive attempt to deny this.

During the 1990s, the New Jersey State Police were America's favorite tar-

get for accusations of "police racism," and Miss MacDonald covers their case with particular care. The Drug Enforcement Administration (DEA) had asked the state to crack down on smugglers who used New Jersey as a pipeline to New York for drugs and weapons. The DEA explained that "Jamaicans, Haitians and black street gangs" control the street-level crack cocaine trade, and that the "predominant wholesale traffickers

Only doing what is necessary.

are Colombians, followed by Dominicans, Chinese, West African/Nigerians, Pakistanis, Hispanics and Indians," with mid-level distributors consisting of "Dominicans, Colombians, Puerto Ricans, African-Americans and Nigerians." Whites, it appeared, played almost no part in the drug trade.

New Jersey police paid close attention to suspicious vehicles driven by people who fit the DEA description. They did not pull over anyone *only* because of race; they stopped drivers for violations like speeding or missing tags. If drivers were twitchy or gave inconsistent answers to questions, the officers asked permission to search the car.

Between 1994 and 1998, 77 percent of police searches were of non-whites; 53 percent were of blacks. Whites accounted for only 21 percent of searches. Since only 16 percent of the drivers on the New Jersey Turnpike are black, this was proof to critics that the police were racially biased. Under intense media and political pressure, New Jersey's then-attorney general, Peter Verniero, sold out his own state police. He issued a 1999 report, in which he conceded, "The problem of disparate treatment [of blacks] is real, not imagined," and accused his officers of acting on racial stereotypes. He also abandoned the appeal against a 1996 court finding of "institutional bias"

in the state police, and dismissed weapons and drug charges against 128 defendants who claimed they were stopped because of race. It is hard to imagine acts more likely to destroy the morale of dedicated officers.

Miss MacDonald calls Attorney General Verniero's report on profiling "shoddy," and its evidence "meaningless." In effect, it completely threw out the results of DEA intelligence, and took it for granted that no ethnic group is any more likely than any other to be in the drug trade. It assumed that if blacks were only 13.5 percent of the population of New Jersey, they could account for 60 percent of drugs and weapons arrests *only* if the police were racist. In fact, in no way did the study show that the police were doing anything other than searching people who were particularly likely to be criminals. Miss MacDonald concludes: "If blacks in fact carry drugs at a higher rate than do whites, then this search rate merely reflects good law enforcement. If the police are now to be accused of racism every time they go where the crime is, that's the end of public safety."

The facts, of course, did not matter. The US Department of Justice (DOJ) ordered troopers to list the race of every driver stopped and the duration of the stop, and began screening all officers for racial patterns. Any officer whose stops or arrests tilt heavily towards a particular racial group can be fired. The result is what is called de-policing: drug arrests on the Garden State Parkway—where racial differences had been greatest—dropped by 55 percent in 2000, and 25 percent on other state highways. The results were predictable. Not only were there a lot more drugs and guns on the street, but between 2000 and 2001, the homicide rate in Newark, for example, jumped 65 percent.

Other jurisdictions have faced similar charges of "racial profiling," been hobbled by similar measures, and seen similar drops in arrest rates. In Minneapolis, traffic stops plummeted by 63 percent in 2001 after the mayor and police chief accused officers of racial profiling. Police in Pittsburgh told Miss MacDonald they now effectively arrest

by racial quota. In Los Angeles, during the first nine months of 2000, arrests declined by 25 percent, while the number of homicides increased by 25 percent.

Of course, to Mr. Verniero and other police critics, higher arrest and conviction rates for blacks and Hispanics *do not* prove they commit more crime than whites. They only reinforce the very racial stereotypes that lead police to profile by race in the first place. Miss MacDonald calls this the "circularity argument," which "has become *de rigueur* among the anti-racial profiling crowd." She quotes former New Jersey Senator Robert Toricelli telling the Senate Judiciary Committee in 2000: "Statistically it cannot bear evidence [*sic*] to those who suggest that, as our former superintendent of the state police suggested, that certain ethnic or racial groups disproportionately commit crimes. They do not." Carl Williams was a "former" superintendent because he was fired in 1999 by Governor Christine Todd Whitman for reporting that non-whites control the cocaine and marijuana trades.

Our rulers usually take the word of experts. If the public health authorities tell them chicken pox is a greater threat than whooping cough, they are unlikely to disagree. When it comes to race, however, a lady governor who knew nothing about crime rates blithely threw out a man who had worked in law enforcement all his life.

Not surprisingly, the police are sick

There is so much fantasy, cowardice, and outright lying about race, that even things that are obviously true require vigorous defense and careful explanation.

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of this, and some have tried to defend themselves. It is not easy to get independent confirmation that non-whites smuggle drugs more often than whites, but the New Jersey State Police did manage to get the attorney general to look into whether blacks break the speed limit more often than whites, thus justifying more traffic stops. The Public Service Research Institute found that blacks are twice as likely as whites to speed on the New Jersey Turnpike, and are even more

likely to drive at reckless speeds of more than 90 miles an hour. The study found that, proportionately, not enough blacks are stopped for speeding!

Did the attorney general of New Jersey trumpet the results that vindicated his state police? No. He tried to bury it, claiming the methodology was bad. Our rulers are so committed to the idea that there are no race differences in crime rates that they ignore and even suppress evidence to the contrary. Only after the report was posted on the Internet by a New Jersey newspaper did the attorney general officially accept it, but both he and the DOJ said it didn't really mean very much.

Miss MacDonald is at pains to point out—it is even the subtitle of her book—that it is blacks who have the most to lose in the current war against the police. She spoke to ordinary blacks who respect the police, and indeed criticize them for *not* running off the drug dealers. She faults the press for not publicizing the generally pro-police attitudes of non-criminal blacks, especially when police do make mistakes, such as in the shooting death of African illegal immigrant Amadou Diallo in 1999 (see next article). Instead, the press invariably falls at the feet of Al Sharpton or Jesse Jackson, who then force concessions out of craven politicians—all at the expense of blacks who will be the targets of the black criminals the police are now either unable or unwilling to arrest.

However, it is not only law-abiding blacks who suffer because of the anti-profiling crusade. Whites suffer from black crime, too, but Miss MacDonald warns of even larger consequences. In the wake of the September 11 attacks, Muslim and Arab pressure groups yelled when the government rounded up Middle Easterners, and complained about racial profiling rather than encourage their people to cooperate with authorities. If anti-terror efforts are undermined as easily as the New Jersey State Police were—and indications are not encouraging—the results could be a lot worse than a plague of black drug peddlers.

A Good Start

Miss MacDonald's book is an antidote to anti-police hysteria, but there is something shifty about her treatment of racial profiling. She says there are two kinds, "hard" and "soft." The hard kind would mean stopping someone only because of race, and she says that's wrong. She's not very clear though, about the legitimate "soft" kind. She seems to think it should not go beyond acting on intelligence like that of the DEA on drug runners. She even seems to think that since non-white neighborhoods have a lot of crime, the fact that police spend a lot of time in them and pick up a lot of non-white criminals is some kind of acceptable racial profiling.

Sometimes, race may be the only thing the authorities need to know. In national parks that run up to the Mexican border, whites with backpacks are campers; Hispanics with backpacks are illegal immigrants.

Miss MacDonald does not seem to understand that profiling of all kinds is a combination of soft hunch and hard statistics, and is essential to good police work. The cops know men are more crime-prone than women and that young men are more crime-prone than old men, and they profile constantly by sex and age. Does that mean they stop every young man and never stop an old woman? No, but they stop perhaps 500 innocent young men for every innocent old woman, in the process of finding the guilty. No one complains about it, because we know that to treat old women and young men equally would be an idiotic waste of time.

Race is like sex and age: it carries information it would be foolish to ignore. Three unknown black men in your back yard are a greater menace than three otherwise similar white men in your back yard. Everyone knows this, including blacks and liberal journalists and Ted Kennedy.

Does that mean the police should stop every black? No more than they should stop every young man. An experienced officer takes in everything at a glance: dress, manner, location, time of day, etc. Race is an important part of the picture. Police departments therefore took a wrong turn when they denied they were profiling by race. They should have said, "Sure, we do it, and here's why."

But the "here's why" brings us to Miss MacDonald's most important failing. Where are the statistics? Different treatment of young men and old women causes no outcry because everyone knows young men commit a lot of crime and old women commit hardly any. The public does not know the exact numerical difference but it doesn't need to know. It's obvious.

The same should be true about race. The general sense everyone has that blacks commit more crime than whites should be enough for people to understand why police pay more attention to them. However, there is so much fantasy, cowardice, and outright lying about race, that even things that are obviously true require vigorous defense and careful explanation.

Why don't they stop more women?

As we know, there are people who insist there are no race differences in crime rates. It's unlikely they believe it, but they say it, and the servile media report it. The only way to convince these people race is as legitimate a profiling category as sex or age, is to prove there are race differences in crime rates. Miss MacDonald makes no attempt to do so. Her evidence—arrest rates—is exactly what police-haters cite as proof of "police racism." Who's right?

In a book like hers, it is unforgivable not to have consulted the National Crime Victimization Survey (NCVS). This is an annual survey of more than 100,000 Americans that gathers a tremendous amount of information about the violent crimes they have suffered during the past year. From time to time the NCVS asks about race of perpetrator, and America's crime victims report that, indeed, more than half the muggers were black. Many of them get away, of course, but police records show that just over half the muggers they arrest are black. If the public says 60 percent of the muggers were black and if 60 percent of the muggers the police arrest are black, it suggests the police are doing their job regardless of race. When the racial proportions for rape and assault are also in line, it is an even stronger argument. It is an argument Miss MacDonald—inexplicably—fails to make.

Statistically, blacks are about as much more likely than whites to commit violent crime as men are more likely to do so than women. This fact alone, if it were widely recognized, would remove almost all criticism of racial profiling. Miss MacDonald apparently does not know the facts, and is therefore unable to make the arguments on which her position depends.

What about racial differences in drug use? Police critics constantly tell us whites are just as likely as blacks to take drugs, and that police viciously target blacks. Miss MacDonald assumes they are wrong, but how does she know? In this case there are no data as forceful as the NCVS, but there are very interesting indicators. The US Department of Health and Human Services keeps records by race of drug-related emergency room admissions. Blacks are admitted at six times the white rate for heroin and morphine, and ten times the white rate for cocain (Hispanics are admitted at three and two times the white rates respectively). These rates cannot be attributed to wealth differences. Whites may be better able to afford fancy, private drying-out clinics, but these are *emergency* admissions, for which whites can plan no better than non-whites. The simple explanation for these admissions differences is that non-whites take a lot of drugs. There is plenty of other evidence to show that race differences in crime rates are substantial, and consistent over time (see AR, July 1999). Miss MacDonald would make a much stronger case if she used it.

Finally, Miss MacDonald takes a conventionally soft-headed view of the causes of crime. She writes:

"If officers stop and arrest proportionately more blacks than whites, claimed the conventional dodge, it is because cops are racist, not because blacks commit more crime. So rather than tackling the culture that produced such high rates of criminality, the nation's media and political élites campaigned to purge law enforcement of 'bigotry.'"

"Culture," of course, has very little to do with crime. Both crime and "culture," however defined, reflect genetic endowments. The Japanese do not have a "culture" that steers them away from crime. They have high average intelligence and low average blood testosterone levels, and commit very few crimes, whether they are living in Japan, the United States or anywhere else. Their culture does not determine their crime rates any more than their crime rates determine their culture; both reflect their biological nature.

Miss MacDonald is probably best known for her book, *The Burden of Bad Ideas*. The idea that "culture" rather than biology drives most human behavior is an exceedingly bad idea with which she continues to burden herself. Ω

Amadou Diallo's Revenge

City Hall sells out the police—again.

The New York Police Department's elite undercover Street Crimes Unit (SCU) played a vital role in reducing the city's crime rate in the 1990s. It was established in the 1970s to protect cabbies and truck drivers, but Mayor Rudy Giuliani shifted its focus to getting illegal guns off the streets. SCU officers patrolled high-crime areas, using aggressive "stop and frisk" tactics. As an SCU veteran explains, "We're trained to look for things that don't make sense: people congregating, turning away fast, or holding or picking up their belts." "Stop and frisk" paid off—homicides, which had been as high as 2,200 a year under Mr. Giuliani's black predecessor, David Dinkins, fell to 638 by 1998. Gun homicides dropped by an astonishing 75 percent.

But on Feb. 4, 1999, four white members of the street crimes unit shot and killed Amadou Diallo, an unarmed African immigrant. The officers spotted Diallo pacing nervously in front of an apartment building in a neighborhood that had recently seen a rash of shootings and in which an armed rapist had been on the prowl. Diallo matched the description of the rapist. When the officers identified themselves, Diallo ran into the building and tried to open the locked inner door. Two of the officers ordered Diallo to come out with his hands up. Instead, he turned away and pulled a black object from his pocket, which one of the officers thought was a gun. They opened fire, hitting Diallo 19 times. The object was a wallet.

Won't be there when they're needed next.

The sky fell on the Street Crimes Unit. Critics accused it of racial profiling, pointing out that blacks were 24.5 percent of New York's population, but accounted for 50.9 percent of the SCU's searches. A left-wing group called the Center for Constitutional Rights (CCR) sued the city on behalf of ten black plaintiffs, alleging they were singled out by the SCU solely because of race. In November 2003, the city paid the men a total of $167,000 and agreed to make police officers fill out detailed forms for every stop, noting the suspect's race and exact reason he was stopped. The CCR, together with a federal judge, will review the forms for any evidence of racial profiling.

Critics claimed "stop and frisk" had no purpose other than to intimidate non-whites, noting that 16 innocent blacks were stopped for every one arrested. However, Columbia Law School professor Richard Ulliver explains this supposedly shocking figure is "well within tolerance." "I don't know of any other way to fight the war on handguns," he adds. Nor did all blacks oppose "stop and frisk." "If the Street Crimes Unit pats me down because I match a description, and the next guy they pat down has a gun, God bless them," says Richard Green of the Crown Heights Youth Collective. "I have a right to privacy, but you have an absolute right to your life and property."

Indeed, 50.9 percent of the people the SCU stopped were black, but 59 percent of street crime victims reported that the attacker was black. Police did not stop enough blacks. Of course, the settlement with the Center for Constitutional Rights means the NYPD will search even fewer blacks from now on, so crime—including gun homicides—should rise.

When that happens, New Yorkers won't have the Street Crimes Unit to protect them. Because of the uproar over the Diallo shooting, the city disbanded it in April 2002. Ω