

## Crusading for a more civilized America

by Chibli Mallat

In America, murders are far more common than anywhere else in the industrialized world. A serious crime, defined as rape, robbery, assault, or murder, is committed every 10 seconds.

For poor and black America, the figures are even more staggering, both as perpetrators and as victims. The director of the Bureau of Justice Statistics spoke recently of “incarceration” for blacks “as an almost normative life experience.” Thirty percent of black men aged 20-29 are “under correctional supervision either in jail or prison, or on probation or parole,” a rate 10 times higher than that for white men. Every American government tries to tackle crime. The two approaches are well established: deterrence through harsh retribution and prevention through social correctives. The first is intended to frighten would-be criminals by meting out severe penalties to convicts. The second seeks to address drugs, crime and impoverished environments, which everyone agrees are breeding grounds for crime.

In his State of the Union address last year, President Bill Clinton noted that the murder rate was the lowest in 30 years, and that the crime rate had dropped for six straight years. He claimed that this was the result of a hands-on policy that supported deterrence by putting 100,000 more police on the streets.

Democrats claim that their welfare policies have given hope to many of the disenfranchised by opening up channels to employment when the only door left unbolted by successive Republican administrations was street violence.

The Republican opposition counters by reminding the president that the deterrence policy was established by conservative politicians opposed to “liberal” corrective measures. They often refer to the case a decade ago of Willie Horton, a murderer who took advantage of a lenient furlough law to commit another brutal assault as soon as he was permitted to leave prison mid-sentence. They also contend that the famous drop of criminality on the streets of New York is due to Republican mayor Rudy Guiliani’s enhanced policing and his “zero tolerance” policy.

Whatever the conclusions reached by historians when the dust has settled and some perspective is gained on the reversal of the American crime rate in the last decade of the 20th century, the two poles of deterrence and prevention are well established. In between are nuances, which depend on the political coloring and inclinations of officials at various levels of the law enforcement hierarchy.

Whatever the value of the local input, it must be acknowledged that the president can play a significant crusading role. The Clinton administration deserves praise for pushing an active agenda in defiance of the gun lobby, by enhancing welfare programs, and supporting police initiatives.

If further progress is to be made under the next president, two central issues for a civilized society need to be addressed. City centers must be reclaimed for ordinary citizens and there should be a suspension of capital punishment

Visitors to America’s great cities can only be stunned by the dangerous and violent neighborhoods that exist in the midst of some of the richest and most cosmopolitan human agglomerations in the world.

Nothing is as shocking as Washington DC where, during the day, perhaps half the city is off limits to visitors and effectively ghettoized. At night, streets two blocks from the

White House seem unsafe, with drug dealers and pimps running the show while homeless people are a glaring reminder that the social security safety net does not work well.

Nor are Washington's desolate, unsafe neighborhoods atypical in urban America. A massive federal-state campaign to reclaim the city centers of America should be a priority for the next president.

There are pitfalls to be avoided, such as the example of Marais and other districts of central Paris. In a clean-up strategy of systematic gentrification they have lost their previous lively atmosphere. In less than two decades the Marais was emptied of its vibrant working class and small shop-owner neighborhoods.

That policy, started in the late 1970s, kicked out to insalubrious and unsafe banlieues all but the very wealthy Parisians. Pushing out poor inhabitants of desolate city centers to heartless and impoverished suburbs, if not slums, is a danger to be avoided in the pacification and renewal of urban America.

So how is it possible for a president to reclaim the center of America's cities while avoiding the destruction of the poorer communities that inhabit them?

Talk about community has been fashionable in recent years. Community, while a factor for the eradication of crime, cannot counter all of its causes. For many black youths, the financial horizons opened up to drug pushers and criminals represent the chance to make several dozen times what they would earn if they could find a job commensurate with their low skill levels. Community cannot change this.

Nor is the color-taint of crime a reality that one should shy away from in a society where blacks, who number a tenth of America's population, account for half of the inmates held in its jails. That also comes from a community, sometimes known as ghetto.

Any community has its problems, and real or perceived minorities are not restricted to race. Gender, as in the continued inequality of remuneration for work performed by women as opposed to men, is another distortion.

Equally disturbing is the "quick-buck" atmosphere of the past three decades. There is nothing wrong in being rich, but overnight enrichment in frenzied market speculation suggests to the young that work is not really tied up with earnings, and that easy money begetting easy money is an end in itself.

The populist proposal to tax the rich is flawed. Societies in the 21st century should have learned that no leveling down can succeed. Taking away from the rich to give to the poor will not right economic or social wrongs. This is a conclusion that well-meaning liberals should weigh against their all-too-ready propensity to impose more taxes.

Similarly, affirmative action that becomes established in university and state programs can become as racist as the reality it is supposed to combat. There is nothing more demeaning for bright members of a minority group to feel they owe their top jobs or their places in Ivy League schools to affirmative action, rather than to their own talent and work.

It is time to stop harboring guilt about wealth and taking refuge in minority quotas, but where to go? If it is correct that the enhancement of community is a good thing for society generally and for reducing crime in particular what, then, are the indicators of a richer, more cohesive, more responsible, more compassionate community, which filter down from the top rather than become leveled by a rise from the bottom?

Some indicators are evident, such as the rise in numbers of schools, the greater number of high-school graduates going to college, the availability of hospital beds,

the high ratio of doctors and nurses per inhabitant and so forth. Important as these may be as a target for, and a justification of, government-initiated investment, they do not necessarily add up to the establishment of a community or its advancement. We need other criteria. One might be the appreciation of the social value in reclaiming centers. The result of the efforts to renovate urban America can be quantified in improved buildings, new parks, better schools, healthier nightlife, along with the number of residents who stay put during the renovation process. In other words, define a community geographically, set some clear targets over a period of a few months based on economic and political effort. If people continue to leave the heart of the city, you have failed. If they stay and others start moving in, you are on the right track.

This is a mighty agenda, which requires brave government at all levels: federal, state, city councils, and neighborhoods. Mostly, it requires a president with a spirit.

While momentum builds behind the drive to reclaim the city centers, another target is, in theory, more reachable. This is the abolition of the death penalty.

When Amnesty International publishes tables of executions carried out every year, people in Nicaragua, Britain and South Africa are right to be proud of their clean slate. People in China, Iran and the United States are right when they shudder at the figures. Together with the Congo, these countries account for 80 percent of executions in the world.

Within the American federal system, and following reports of gross miscarriages of justice and heavy-handed policing, Illinois has become after the recent moratorium by its governor on executions a more civic and civilized state than Texas and certainly a more compassionate one.

In five years as governor of Texas, George W. Bush has presided over 113 legal executions, the largest number in that state, and in America at large, since the death penalty was allowed again in 1976. In every year of his governorship, this self-styled compassionate presidential candidate has exceeded the capital punishment record set during the previous one.

The abolition of the death penalty has turned into a mark of progress in the course toward civilization. Sometime during this century, capital punishment will hopefully join the law of the talion (the principle that the punishment should fit the crime, which justifies cutting off the hands of thieves) in the history books.

Society is not civilized if it accommodates either. An end to capital punishment is now part of the core responsibility of a civilized society. For this, a president with a different spirit is needed; a president who understands that executions and jails stuffed full do little to solve America's crime problems. Certainly, they have done nothing to free up those no-go areas in too many city centers.

*Chibli Mallat is a practicing lawyer and a professor of law. This is the sixth article in a series on "American presidential choices: a view from the edge." The next article will discuss how to deal with old and new disenfranchised America.*