

CRIME

CONFRONTING

AN AMERICAN CHALLENGE

**WHY
THERE IS
SO MUCH CRIME
IN AMERICA & WHAT
WE CAN DO ABOUT IT**

ELLIOTT CURRIE

CONFRONTING CRIME

(AN AMERICAN CHALLENGE)

ELLIOTT CURRIE



PANTHEON BOOKS

New York

Copyright © 1985 by Elliott Currie

All rights reserved under International and Pan-American Copyright Conventions. Published in the United States by Pantheon Books, a division of Random House, Inc., New York, and simultaneously in Canada by Random House of Canada Limited, Toronto.

Library of Congress Cataloging-in-Publication Data
Currie, Elliott.

Confronting crime.

Includes bibliographical notes and index.

1. Crimes and criminals—United States.
2. Criminal justice, Administration of—United States.
3. Violent crimes—United States—Prevention. I. Title.

HV6789.C87 1985 364'.973 85-6300

ISBN 0-394-53219-8

Manufactured in the United States of America

Designed by Robert Bull

First Edition

Elliott Currie is a visiting scholar at the Center for the Study of Law and Society at the University of California, Berkeley, and has taught criminology and sociology both at Berkeley and at Yale University. Currie has also served as a consultant to the California Governor's Task Force on Civil Rights and to the National Advisory Council on Economic Opportunity, and as a staff member of the National Commission on Causes and Prevention of Violence. His publications include two books—*Crisis in American Institutions* and *America's Problems*, both with Jerome Skolnick—and numerous articles and reports on poverty, welfare, unemployment, and crime.

ACKNOWLEDGMENTS

Most books about social questions are, to a much greater extent than is usually recognized, the products of collective effort. This one is no exception. I've been especially fortunate in the amount of encouragement, advice, and good-natured criticism I've received from the start; here, unfortunately, I can only begin to list those whose contributions have been most important.

This book grew out of a two-part series of articles written for *Working Papers* magazine in 1982. Robert Kuttner, then the magazine's editor, gave his strongest encouragement from the beginning, meanwhile helping immeasurably to strengthen the arguments with a firm but supportive editorial hand. To him—and to *Working Papers* itself, a much-missed forum for serious writing on social policy—I owe a great debt. These articles were partly supported by a grant from the Democracy Project, for which I thank the project and its director, Mark Green.

I can't possibly mention all of those whose timely encouragement emboldened me to take on the much more formidable job of turning two brief articles into a book; but special thanks to some whose support, in various ways and various times, was especially crucial: John Brockman, Lynn Curtis, Fred DuBow, Dave Fogarty, Diana Gordon, Katinka Matson, Ilene Philipson, and Tom Wicker. The manuscript itself received unusually thoughtful comments from Paul Chevigny, Robert Dunn, Diana Gordon, Terry Kandal, and Jerome H. Skolnick. I deeply appreciate their counsel and suggestions, even where I've recklessly disregarded them.

Much of this book, and the articles that preceded it, took shape when I was a Visiting Scholar at the Center for Study of

Law and Society at the University of California, Berkeley. My thanks to the center's then-director, Jerome H. Skolnick, and administrator, Rod Watanabe, for their assistance and support.

Readers rarely appreciate the extent to which the book they hold in their hands doesn't simply spring forth from the brow of its author—but is the product of a rich collaboration between author and editors. Again, I've been particularly fortunate. This book has benefited enormously from the careful, committed, and spirited editorial attention of Sara Bershtel at Pantheon Books, who turned what can be a grueling experience of rethinking and rewriting into a challenging and downright enjoyable experience. Special thanks, too, to others at Pantheon—including David Frederickson and David Sternbach—whose efforts have helped make this a better book.

And thanks, most of all, to Rachael Peltz and Susannah Currie, for putting up with my author's preoccupation and for making my life infinitely richer in spite of it.

—E.C.

CONTENTS

	<i>Acknowledgments</i>	vii
1	<i>RETHINKING CRIMINAL VIOLENCE</i>	3
2	<i>THE CONSERVATIVE MODEL</i>	21
3	<i>THE LIMITS OF IMPRISONMENT</i>	51
4	<i>UNDERSTANDING CRIME: WORK AND WELFARE</i>	103
5	<i>UNDERSTANDING CRIME: INEQUALITY AND COMMUNITY</i>	143
6	<i>UNDERSTANDING CRIME: FAMILIES AND CHILDREN</i>	181
7	<i>NEW DIRECTIONS</i>	223
	<i>Notes</i>	279
	<i>Index</i>	317

CONFRONTING CRIME

1

***RETHINKING
CRIMINAL
VIOLENCE***

This book is about why there is so much crime in America and what we can do about it. No one living in a major American city needs much convincing that despite more than a decade of ever-“tougher” policies against crime, the United States remains wracked by violence and fear. Criminal violence is woven deeply into our social fabric—a brutal and appalling affront to any reasonable conception of civilized social life.

In recent months, these incidents took place in the United States: In Illinois, armed marauders attacked travelers on an interstate highway, robbing the occupants of two cars and killing a twelve-year-old boy. In Florida, a passing motorist's intervention barely saved a young woman from attack by a crowd of nearly a hundred men. In New York, gangs of youths robbed and beat participants in a charity walkathon in Central Park. In Fort Lauderdale, Florida, a bandit held up an entire church congregation during an evening service. Not far away, near Pompano Beach, two intrepid men broke *into* a prison and robbed two inmates. A United States senator and his companion, on their way to dinner with the mayor of New York, were mugged by two men just down the street from the mayor's mansion. In Los Angeles, eleven people died in a single weekend in episodes of youth-gang violence, while the home of the chief of the Los Angeles Police Department was burglarized—twice.

The public response to criminal violence has become correspondingly bitter and even desperate. Three-fifths of the American public expressed their support for a self-styled vigilante who shot down four young black men after they asked him for five dollars in a New York subway; respected commentators urge

people living in cities to "adopt the tough attitudes of an embattled population."

To live in the urban United States in the 1980s is to feel that the elementary bonds of society are badly frayed. The sense of social disintegration is so pervasive that it is easy to forget that things are not the same elsewhere. Violence on the American level comes to seem like a fact of life, an inevitable feature of modern society. It is not. Most of us are aware that we are worse off, in this respect, than other advanced industrial countries. How *much* worse, however, is truly startling.

Criminal statistics are notoriously tricky, and comparisons of one country's statistics with another's even more so. But the differences in national crime rates—at least for serious crimes of violence, which we rightly fear the most—are large enough to transcend the limitations of the data. In recent years, Americans have faced roughly seven to ten times the risk of death by homicide as the residents of most European countries and Japan. Our closest European competitor in homicide rates is Finland, and we murder one another at more than three times the rate the Finns do.

These differences are sometimes explained as the result of America's "frontier" ethos or its abundance of firearms. Both of these are important, but neither even begins to explain the dimensions of these international differences. With similar frontier traditions, Australia and Canada have murder rates that are, respectively, less than a fourth and less than a third of ours. Though their numbers are roughly the same, Californians are murdered almost six times as often as Canadians. Nor does this simply reflect the relative ease with which Americans can obtain handguns: more Californians are killed with knives alone than Canadians are by *all* means put together. And Canada ranks fairly high, internationally, in homicide rates.

What holds for homicide also holds for other serious crimes of violence. Here the comparisons are more chancy, because of greater problems of definition and measurement. But careful research reveals that Americans are more than three times as likely to be raped than West Germans, and six times as likely to be robbed. These rates were derived from police statistics, which are known to be subject to strong biases. But similar results come

from "victimization" studies, which calculate crime rates by asking people whether, and how often, they have been the victims of crime.

In the first English study of this kind, the British Home Office (using a sample of eleven thousand respondents) estimated that the British robbery rate in 1981 was about twenty for every ten thousand people over age sixteen in 1981. In the same year, a comparable American survey by the Bureau of Justice Statistics estimated a robbery rate nearly four times higher. The British study turned up not one rape and only a single attempted rape: the American survey estimated an overall rape rate of about ten per ten thousand (three completed, seven attempted). And Britain is by no means one of the most tranquil of European countries: rates of serious criminal violence in Denmark, Norway, Switzerland, and the Netherlands are lower still.

In the severity of its crime rates, the United States more closely resembles some of the most volatile countries of the Third World than other developed Western societies; and we won't begin to understand the problem of criminal violence in the United States without taking that stark difference as our point of departure. Its consequences are enormous. If we were blessed with the moderately low homicide rate of Sweden, we would suffer well under three thousand homicide deaths a year, thereby saving close to sixteen thousand American lives—nearly three times as many as were lost in battle annually, on average, during the height of the Vietnam War.

The magnitude of the contrast between the United States and most other developed societies is often ignored as we scrutinize the fluctuations in our own crime rates from year to year. We watch the state of the public safety, like that of the economy, with a kind of desperate hopefulness. Just as the economy has "recovered" several times in recent years, so we have periodically "turned the corner on crime." And indeed, by the mid-1980s, the level of violent crime had fallen off from the disastrous peak it had reached at the start of the decade. That respite was certainly welcome; but it should not obscure the more troubling general upward trend since the sixties. From 1969 through 1983, the rate of violent crime—as measured by police reports—rose nationwide by 61 percent. Rape went up 82 percent, robbery 44 percent,

and homicide 14 percent (the first two figures are almost certainly inflated because of changes in reporting, the third probably not). Measured this way, the more recent declines have only returned us to the already horrendous levels of the late 1970s, just before we suffered one of the sharpest *increases* in criminal violence in American history. Still more disturbingly, reported rapes and aggravated assaults *rose* again in 1984—at the fastest pace since 1980. Criminal victimization surveys offer a somewhat different but scarcely more encouraging picture, indicating virtually no change in crimes of violence for the past decade, with a slight decline in many violent crimes in 1983—but a slight *rise* in others in 1984.

The recent dip in crime, moreover, has been ominously uneven. Between 1982 and 1983, the murder rate in the economically depressed states of Illinois and Michigan rose by 10 percent; reported rapes shot up by 20 percent in Michigan and 27 percent in Wisconsin. Detroit's murder rate jumped 17 percent from 1981 to 1983; that of East St. Louis, Illinois, by an astonishing 96 percent. Drug-related gang wars helped boost the homicide rate in Oakland, California, by 17 percent between 1983 and 1984. The national crime rate, in short, may have improved—but the situation in some of America's inner cities was worsening.

What makes all this so troubling is that our high crime rates have resisted the most extraordinary efforts to reduce them. Since 1973, we have more than doubled the national incarceration rate—the proportion of the population locked up in state and federal prisons and in local jails. By 1983, the prison inmates alone would have filled a city the size of Atlanta, Georgia; including the inmates of local jails (a number that jumped by more than a *third* between 1978 and 1982 alone) would have swollen the “city” to the size of Washington, D.C. And this number doesn't include those confined in juvenile detention facilities, military prisons, and psychiatric facilities for the criminally insane.

Nor is this all. We have not only put a record number of offenders behind bars; we have also drastically changed our daily behavior and escalated the level of social resources we devote to defending ourselves against crime. In 1969, the National Commis-

sion on the Causes and Prevention of Violence made a gloomy prediction of what urban life would be like if America did not take immediate and fundamental measures to attack the root causes of crime. Central business districts would be surrounded by zones of "accelerated deterioration," largely deserted at night except for police patrols. The affluent would huddle together in what the commission called "fortified cells," high-rise apartment houses and residential compounds protected by increasingly elaborate security devices and private guards. Homes would be "fortified by an array of devices from window grilles to electronic surveillance equipment," and the affluent would speed from these fortified homes to their fortified offices along heavily patrolled expressways that the commission, in a revealingly military euphemism, called "sanitized corridors." People with business in the central cities would require access to indoor garages or valet parking; schools and other public facilities would be patrolled by armed guards. The ghetto slums would be "places of terror" that might be out of police control altogether after dark.

The commission, writing in a more hopeful time, found this prospect of a society in which the haves were forced to defend themselves ever more vigilantly against the have-nots foreign to the American experience and abhorrent to American values. Yet what is striking is that, in the eighties, much of the commission's indignant vision seems almost old-hat. Most of the changes they feared have taken place, and though their scenario doesn't accurately describe *every* American city, it does describe many. Virtually every big-city police department now possesses a sophisticated armory—from the ubiquitous police helicopter to the armored personnel carrier recently acquired by the Los Angeles police. More generally, we have changed the way we live and go about our daily business in ways that would have seemed appalling and unacceptable in the sunnier sixties. In 1984, a New York Appellate Court justice, speaking for an association of judges calling for still more severe prison sentences in that state, declared that the climate of fear suffusing New York "would have been unthinkable" a generation before. "If then someone had said that in 1984 hundreds of thousands of apartment windows in New York City would be covered with metal gates," said Justice Francis T. Murphy, Jr., "and that private security guards would patrol

the lobbies, hallways, and rooftops of apartment buildings, we would have thought him insane." Like the unprecedented increase in incarceration, this new defensiveness might have been expected to do something substantial about the crime rate. With the possible exception of declines in burglary resulting from more elaborate "hardware," it did not.

Our devastating levels of criminal violence, moreover, have also proved to be remarkably resistant to the effects of a benign demographic change. The frightening rise in violent crime in the late 1970s and early 1980s came just when the most volatile segment of the population—young adult and teenaged men—was growing smaller relative to the population as a whole. Between 1975 and 1982, the proportion of young men aged fourteen to twenty-one in the population fell by 10 percent. Other things being equal, as many criminologists argued, this should have brought down the crime rate. But other things weren't equal, for though the decline in the youth population may have kept the crime rate lower than it would have been otherwise, other forces were clearly keeping it up.

What progress we've made against our uniquely high crime rate seems disturbingly small given our massive attempts to control it. The disparity between effort and results tells us that something is clearly wrong with the way we have approached the problem of violent crime in America, and few are happy with the results. But there is no consensus on how we might do better.

To be sure, there is no lack of prescriptions, ranging from the merely silly to the bizarre and the brutal. Within the last few years, some established scholars have solemnly proposed that we "restore" regular corporal punishment in the schools and home; others, that we revive the practice of sending criminals to penal colonies, perhaps on distant islands. Some have urged that we devise elaborate physiological tests to weed out those children who, on the basis of irregular encephalograms or insufficiently sweaty palms, seem likely to be the robbers and killers of the future. Others wistfully hope for a revival of the movements of temperance and "moral uplift" of the nineteenth century. Many of these proposals seem barely serious; some are a little frighten-

ing. All of them reflect a sense of social and intellectual desperation.

More often, our social policies toward crime and punishment have simply lost a sense of direction or definable vision. In a 1981 cover story, *Newsweek* deplored what it described as an “epidemic” of violent crime, but also declared that we were apparently helpless to deal with it. We had lost, the magazine lamented, “the old optimism proclaiming that we know what the problems are and that we have the solutions at hand.” For the indefinite future, we would have to learn not to “expect too much.” In the same year, the Reagan administration’s Task Force on Violent Crime, departing sharply from a long line of more ambitious commissions, refused even to take on the task of investigating the causes of crime in America, on the ground that intervention at that level wasn’t the government’s job. “We are not convinced,” they wrote, “that a government, by the invention of new programs or the management of existing institutions, can by itself recreate those familial and neighborhood conditions, those social opportunities, and those personal values that in all likelihood are the prerequisites of tranquil communities.” The passivity that began to infect scholarly thinking about crime during the seventies had become enshrined as a fundamental principle of government policy.

How did we arrive at this impasse?

As with many other issues of social policy in the eighties, there is a pervasive sense that older ways of thinking about crime have lost their usefulness and credibility; but no convincing alternatives have come forward to take their place. It is painfully apparent that the decade-long conservative experiment in crime control has failed to live up to its promises. That experiment, launched with high hopes and much self-righteous certainty, was based on the alluringly simple premise that crime was pervasive in the United States because we were too lenient with criminals; in the economic jargon fashionable during the seventies, the “costs” of crime had fallen too low. The reverse side of the argument was that other ways of dealing with crime—through “rehabilitating” offenders or improving social conditions—at best