

# Shot In The Dark

## Why was crime overlooked in this campaign?

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Once upon a time, in an era before financial giants teetered and tumbled, before the nation learned just how real the terrorist threat is, during those halcyon days of cheap energy, before real-estate prices cratered, few things could shake up a presidential race like the hushed allegation that one of the candidates was "soft on crime."

Since the 1950s, crime has regularly featured as a reliable political hot button, transforming campaigns for the White House all the way down to the local school board. Discussion of crime has often included legitimate questions of public safety. But the subject has also been used as shorthand for racial fears and tensions—typically to the Democrats' detriment. During Maynard Jackson's successful campaign to become Atlanta's first African-American mayor in 1968, his white opponent warned voters away from Jackson with the unsubtle slogan, "Atlanta is too young to die." Year in and year out, candidates for office have regularly invoked scare tactics and horror stories about "revolving-door justice."

In this campaign, crime has gone missing as a topic of serious debate. The economic crisis is partly to blame, but the absence of the subject also reflects the Democrats' shift to a center-right position on criminal-justice issues—enabling the party to mute the issue's impact by frequently joining forces with Republicans on Capitol Hill in enacting ever more punitive criminal measures. President Bill Clinton played a significant role in blunting crime as an issue, advocating the death penalty and making a centerpiece of his 1992 campaign the addition of 100,000 cops using federal funds under the COPS program. Few civil libertarians are sanguine about the Clinton era.

Sen. Barack Obama seems to have made a point of not promising major changes in America's justice system. "Modest" is the word his top criminal-justice adviser Charles Ogletree uses to sum up the likely agenda of an Obama presidency. Ogletree, a professor at Harvard Law, where he taught both Michelle and Barack Obama, took pains in a recent interview with NEWSWEEK to stress Obama's populist plans for reforming the criminal-justice system. High on the list: Obama's pledge to shut down Guantánamo Bay, a move also favored by Sen. John McCain. Obama's next biggest priority would be working to ensure that innocent people are not falsely convicted—an issue, Ogletree says, that Obama championed while a state senator in Illinois. Professor Ogletree also predicts that a President Obama would favor a stepped-up approach to fraud and white-collar crime investigations—meaning, he says, "a new day for Wall Street, in terms of investigations and enforcement." Professor Ogletree, a potential nominee for attorney general in an Obama administration, stressed that the Illinois senator is not opposed to the death penalty and that Obama criticized a 5-4 Supreme Court ruling in June which forbids the death penalty for rape of a child.

If Obama is elected, would the Democrats' liberal base pressure him into bolder stances on criminal-justice issues? It is estimated that the United States, with 5 percent of the world's population, is responsible for 25 percent of those incarcerated worldwide. Would the nation's first African American president feel a need to confront a nonviolent drug incarceration rate that is almost 12 times higher for blacks than for whites?

Senator McCain's campaign did not return phone calls for comment. But the GOP nominee has emphasized immigration control as a top priority, arguing that an insecure border is an invitation to escalating crime rates. McCain is part of a conservative faction in Congress that questions existing criminal-justice dogma, including whether incarcerating first-time drug offenders is effective. And he has cosponsored a bill that would help reintegrate felons back into the community, an issue that has not historically been a high priority for either party.

McCain offered an interesting glimpse into his philosophy in an October 2008 questionnaire from the nation's police chiefs. "On average, the annual cost of incarcerating a prisoner exceeds \$20,000—a number that increased sixfold between 1982 and 2002," he wrote. "As president, I believe we should support having parents with children in the

home rather than in prison, former prisoners working and paying taxes, and citizens contributing to rather than taking from the community." This is a view more commonly associated with Democrats; perhaps it is further evidence of McCain's "maverick" status within the Republican Party.

Of course, there are limits on how much a president can accomplish on the crime front, even if he placed it atop his agenda in the first 100 days. Responsibility for front-line public-safety issues falls to mayors and governors more than occupants of the White House. Stanford Law School Professor Lawrence Friedman, author of "Crime and Punishment in American History," believes that whoever gets elected president will likely be hamstrung by gaping holes in the federal budget and would have a hard time funding ambitious plans.

One obvious impact a president can have is in deciding whether the Federal Bureau of Investigation and other federal law-enforcement agencies receive adequate funding. The FBI, with 12,000 agents—the New York Police Department employs 36,000 officers to protect that city alone—is a tiny piece of the federal budget, charged with investigating hundreds of different crimes worldwide. According to David Burnham, a researcher at Syracuse University, the FBI has shifted huge resources into investigating terrorism at the expense of more traditional cases such as organized crime, white-collar crime and public-corruption probes. Burnham cautions that if the FBI does not investigate these cases, it is "likely that no one else will."

The candidates may not be making a big issue of crime, but there's plenty of work to be done. Many localities are experiencing huge backlogs in arresting people wanted on warrants—arguably emboldening offenders who feel free to jump bail and thumb their noses at the system. Targeting more resources to local law enforcement and creating new synergies with federal fugitive-hunters like the U.S. Marshal Service might pay hefty dividends. This type of enforcement was a cornerstone of the now legendary turnaround of the crime rate in New York.

Many police departments are also having problems solving violent crimes, particularly homicides. In 1965, more than 90 percent of all U.S. homicides wound up being "cleared." By 1999, that figure had fallen to 69 percent; by 2007, it was 61 percent. In some regions of the country, half of those who murder escape apprehension—a chilling statistic that surely means that some people kill and kill again. With a bare-bones budget, the federal government could assemble teams of experienced, retired homicide detectives who could "fly" into a jurisdiction and help struggling investigators solve outstanding cases through a National Violent Crime Investigation Support Center.

Voters will have to wait until after Nov. 4 to get a clearer picture of how the next president will tackle the criminal-justice agenda. The issues may well take on greater urgency as the economy continues to wobble. Those of us who study the subject for a living hope the next White House will make criminal-justice matters a priority. It would be a crime not to.

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