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Intelligence Squared U.S.

Policing is racially biased

For the Motion: Gloria Browne-Marshall, Marq Claxton

Against the Motion: Heather Mac Donald, Harry Stern

Moderator: John Donovan

AUDIENCE RESULTS	
Before the debate:	After the debate:
57% FOR	60% FOR
16% AGAINST	28% AGAINST
27% UNDECIDED	12% UNDECIDED

Start Time: (00:00:00)

John Donovan:

I want to bring to the stage the chairman of Intelligence Squared who, at the beginning of every debate joins me to talk for a couple of minutes about what our aspirations are for this debate and maybe some things to look for. So, please welcome to the stage Mr. Robert Rosenkranz.

[Applause]

John Donovan:

Hi, Bob.

Robert Rosenkranz:

Hi, John.

John Donovan:

Hi. So, as I just said, this has been a difficult conversation in the United States, particularly in the last three years since Ferguson. And we were talking a little bit beforehand, and a part of it is, we're not all agreeing on what we mean by evidence in this. What are you thinking on that?

Robert Rosenkranz:

Well, I think we've all seen these very emotionally wrenching videos on television. And some of them are incomplete, some of them are complete, some of them have a narrative character that just is overwhelmingly powerful from an emotional standpoint.

00:01:00

But, you know, part of the rationale for Intelligence Squared debates is to transcend the emotional and to try to get into a more factual arena in addressing difficult issues.

John Donovan:

And what about the issue of trying to -- you know, we're talking about interactions between individuals. What about the challenge of trying to quantify that sort of thing?

Robert Rosenkranz:

Well, I think it's very important here. I mean, we're talking about the actions of individuals who are policemen, but we're also talking about the actions of individuals who are criminals. And I think it's very important that when we listen to tonight's debate we're sensitive to data about both elements of that equation.

John Donovan:

And what is our standard for -- in trying to figure out the answer to this question. What is our standard for -- we use the term "racial -- racially biased." But what we're really talking about is, I think, a sense of fairness --

00:02:00

Robert Rosenkranz:

Yeah, I --

John Donovan:

-- and whether it exists.

Robert Rosenkranz:

It's a sense of fairness. I mean, we -- there are certainly differences in criminality among -- in different neighborhoods, in different populations. And the policing behavior has to -- police have to go where crimes are being committed, and they have to prevent crimes. And so, the impact of policing is never going to be equal across all communities. But that -- nonetheless, police have to act in a way that is perceived as fair and that is perceived as a rational response to evidence that they gather as opposed to just any kind of stereotypes, for example.

John Donovan:

And you tend to be a numbers guy. Our regular audience members know that.

Robert Rosenkranz:

Yes.

John Donovan:

Is this a situation where numbers can apply and tell us anything?

00:03:00

Robert Rosenkranz:

Well, I think numbers -- numbers are very relevant because, again, there are -- there are a certain number of instances of police violence. There are certain numbers of instances of violence caused by -- by criminals. There are victims of different -- different races, and there's a lot of statistical information that's been gathered which is quite relevant in deciding whether, taken as a whole and viewed as an overall situation, whether policing is racially biased or not.

John Donovan:

So, we should expect to hear both numbers and narratives tonight.

Robert Rosenkranz:

Well, I'm certain we're going to hear narratives, right? Personally, I would enjoy hearing some numbers.

John Donovan:

All right. Well, we have a special arrangement tonight in that we have cops on both sides of the debate, so I think that's going to make it particularly interesting.

Robert Rosenkranz:

Yeah.

John Donovan:

All right. Why don't we welcome our debaters to the stage? And thank you, Bob Rosenkranz.

00:04:00

Robert Rosenkranz:

Thank you.

[Applause]

John Donovan:

For a sense of wonderful energy, you can keep up the applause as these people take the stage.

[Applause]

John Donovan:

Okay. You can sit down. So, throughout the evening, we actually are producing -- we're live-streaming at the moment, but ultimately, this debate ends up edited as a radio broadcast and a

podcast. And for that reason, I'm going to be doing -- I'll share this with you now. I'm going to be doing various steps throughout the evening where I will be obviously making the sausage. I will say things like, "Folks, I'll be right back after this," and I won't go anywhere.

00:05:00

I'll be right here the whole time, and I will have to be telling you again and again that my name is John Donovan, and I know that, but it's for coming back from the break. So please forgive me for that. And there have been complaining emails about the number of times I say my name. But I'm sorry, I have to do it. And the last thing, we just had a sample of it. There are times throughout the evening when I'm going to ask for your spontaneous applause. And that was one of them, and there are just moments in the evening. Again, this is to let the audience that hears this to know that you're here and it's to add a sense of atmosphere, and it's a way to express your presence. So, we're looking forward to hearing from you throughout the night. And we're going to officially launch now the actual program itself which we'll do with a round of spontaneous applause.

[Applause]

John Donovan:

Sometimes, some cops bring their own racism to the job. Nobody disputes that. Racism can appear in any line of work, so why be surprised when some cops also are exposed as racially biased.

00:06:04

But that is a different thing from saying that policing in general -- policing is broadly practiced in the U.S., is broadly guilty of racism on a daily and routine basis. That charge has been made. It has been made often. That it's not just about a few bad apples, but that race determines not only who gets to talk his or her way out of a parking ticket, but more importantly, who gets stopped, who gets searched, and most critically, who gets shot by the cops in an incident, as in those disturbing videos that keep on surfacing. Sorting out the truth of this has not been an easy discussion, but it's one that should not be avoided, so we are going to have it, we hope, in the form of the kind of intelligent, and again we hope, civil debate that is the goal of Intelligence Squared U.S. So, let's do it. Yes or no to this statement: Policing is racially biased. I'm John Donovan, and I stand between two teams of two, experts in this topic who will argue for and against the motion: Policing is racially biased.

00:07:06

As always, our debate will go in three rounds, and then our audience here at the Kaufman Music Center in New York City will vote to choose the winner. And as always, only one side wins. Okay, what we want to do -- and I see our regulars are already going for it -- is have you register your opening vote on this. If you go to the keypad that's attached to your seat, we

want to know your view on this motion as you come in off the street, the motion, Policing is racially biased. If you agree with this motion, push number one; and if you disagree, push number two; and if you're undecided, push number three. You can ignore the other keys. They're not live. And you can also correct yourself if you happen to have made a mistake.

Let's meet our debaters. Our motion is this: Policing is Racially Biased. We have two debaters arguing for the motion. Please, let's welcome Gloria Browne-Marshall. Hi, Gloria.

[Applause]

And, Gloria, you qualify better than anyone on this stage for the compliment of renaissance person.

00:14:02

You teach law at John Jay. You're a journalist. You write scholarly books. You are a produced playwright. I think you've written seven or eight plays. You used to argue in court. You're still a civil rights attorney. You used to argue for the Southern Poverty Law Center, and the NAACP. Of all the hats that you've worn, what's our favorite?

Gloria Browne-Marshall:

I'd like to say that there are branches on the same tree of justice, so I don't choose one, they're all branches on the same tree.

John Donovan:

All right. Thank you, Gloria, and tell us please who your partner is.

Gloria Browne-Marshall:

My partner is Marq "tear 'em up" Claxton.

John Donovan:

Ladies and gentlemen, Marq Claxton. Hi, Marq. Welcome to Intelligence Squared.

[Applause]

Marq Claxton:

Thank you. Thank you.

John Donovan:

And, Marq, you were a cop. You were 20 years with the New York Police Department. You were in uniform. You also did plain clothes patrol. You did undercover narcotics investigation and now you run political affairs for the Black Law Enforcement Alliance.

00:15:00

So, tell us, does being a cop change a person? Did it change you?

Marq Claxton:

Yeah, I think it's unavoidable, when you're exposed to so much negativity throughout the course of a career. It's unavoidable, you're going to some scar tissue. But I like to think that as a result of my experience in the police force, that I have the, you know, increased sense of compassion, and understanding, and sensitivity to some of the issues that people face.

John Donovan:

Okay. And it will bring some insight to tonight's debate. Please welcome again the team arguing for the motion.

[Applause]

And we have one team trying to persuade you to vote the other way -- Policing is Racially Biased. They say vote "No." First, let's welcome Heather Mac Donald. Hi, Heather. Welcome to Intelligence Squared.

Heather Mac Donald:

Hi, John.

[Applause]

John Donovan:

Heather, you're a fellow at the Manhattan Institute, a contributing editor of City Journal. You've written a lot of books, including one called "The War on Cops." You started out interested in law. You graduated from Stanford Law. You clerked for the Ninth Circuit -- but now, you have moved on from law.

00:16:01

You're not practicing. You're what's called a public thinker.

Heather Mac Donald:

Oh --

John Donovan:

I'm sure it says that on your business card.

Heather Mac Donald:

I do -- I like to be called that than some of the other names --

John Donovan:

Yeah.

Heather Mac Donald:

-- I'm called, but --

John Donovan:

Heather Mac Donald, public thinker. But you focus on this issue a lot -- of policing and criminal justice reform. So, where did your interest in this policing topic come from?

Heather Mac Donald:

Well, I lived through the transformation of New York from a symbol of urban dysfunction to a hipster mecca and family-friendly tourist destination. It was impossible not to become interested in policing, since it drove that change.

John Donovan:

Okay. And tell us, please, who your partner is.

Heather Mac Donald:

The courtroom whiz kid, Harry Stern.

John Donovan:

Hi, Harry. Welcome to Intelligence Squared. [Applause] And Harry, you're a lawyer. You're a lawyer. You're with the firm of Rains, Lucia and Stern -- or is that Lucia & Stern.

Harry Stern

Lucia. It's Italian --

John Donovan:

Lucia. Oh, okay, I'm sorry. You represent police officers --

Harry Stern

That's right.

John Donovan:

-- in the state of California. But you, like your opponent Marq, you were a cop at one time.

00:17:01

You got your degree in English literature from Berkeley, and you went to law school, but in between, you put in some time on the city of Berkeley Police Force. Same question, though you weren't in it for as long as Marq, did you find that being a cop changed you?

Harry Stern

I did. You know, being a cop in Berkeley was a wild ride, in that Nobel Laureates, gang hitmen, and Joan Baez once stopped me during the middle of a riot to ask me what was going on. But the thing I found was -- the takeaway was, people are really basically the same, and they have an essential goodness. And I think, as a cop, Marq and I probably learned that same lesson.

John Donovan:

All right. An optimistic note to start the evening. And I just was told. Somebody said something to me while I was talking. Harry, you need to lean into your mic from now on.

Harry Stern

Yes.

John Donovan:

Okay. [Laughter] Could everyone hear Harry?

[Audience]

Yes.

John Donovan:

Yeah? Okay. Good. [laughs] Okay. Everything's working very smoothly tonight.

[Laughter]

But we are going to get through it and we're going to have a fantastic debate.

00:18:00

I want to let you know that the vote that you just did, for people who are new, we have you vote again at the end of the evening -- a second time -- after you've heard the arguments. We ask you to vote again on these motions. And the way we determine victory is the difference between the first and the second vote. It's important -- is the difference -- whoever moves up the most in percentage points from the first to the second vote is declared our winner. Our debate goes in three rounds. Let's move on to Round 1. Round 1, the motion is this: Policing is Racially Biased. Each debater will speak in turn for six minutes. And up to speak first for the motion: Policing is Racially Biased, Marq Claxton. He can make his way to the lectern. Marq is Director of Public Relations --

[Applause]

-- and Political Affairs for the Black Law Enforcement Alliance and a retired New York police detective. Ladies and gentlemen, Marq Claxton.

[Applause]

Marq Claxton:

Thank you. I really want to start out really quickly by offering my condolences and recognizing the severe loss that we had in the law enforcement community, the death of the legend, the hero, NYPD detective Steven Mac Donald.

00:19:03

And I wanted to start off by doing that and acknowledge his loss -- tremendous loss to this city.

[Applause]

All right. No clapping. Don't take away my time now.

[Laughter]

I want to start off because we were talking about bias here. It's clear -- I think we have to get a better understanding about what it is specifically. What is bias? And I know we're talking about policing and racially biased, so, I took it upon myself to bring out some definitions for us to go over. So, if you don't mind, I'd like to start off by reading Merriam-Webster's definition of bias. Included in that definition is a bent, tendency, an inclination, or temperament, or outlook -- especially a personal and sometimes unreasoned judgment. That's bias. I also refer to the Black Law Dictionary. The Black's Law Dictionary has "bias" listed as "inclination, a bent, a prepossession, a preconceived notion or predisposition to decide a cause or an issue in a certain way."

00:20:07

Most importantly, I want this last line in Black's definition is, "This term is not synonymous with prejudice." I want us to remember that as we vote on this motion. And you should be voting yes on the motion. But remember, this term is not synonymous with prejudice. I suspect that through the course of this evening what you're going to hear is a boatload of statistics, a truckload of data that will attempt to explain what many of us already know. What many of us are already acknowledged and what many of us are working hard to prevent or at least address. And I think we just have to be honest about certain things. When you're talking about police bias, let's just be honest about it because these numbers, this data that I suspect that you'll be hearing this evening, actual bias is not easily quantified.

00:21:10

It's hard to really put numbers to specific and detailed bias. Without a historical context, without legal context, it becomes confusing. And that's why I'm honored tonight that Gloria, my debate partner, will be dealing and addressing with some of those historical and legal, contextual issues, because you can't just go nakedly into this conversation and expect to fully grasp and understand it. And if you deny bias and you reject not only your common sense but

the experiences of many people like myself, a rejection of bias in policing is intellectually dishonest. And that's why you must vote yes to the question.

00:22:00

You -- if you don't vote yes to the question, what you do is reject the story that I have, the experience that I have - 20 years in the police department in every unit in the police department; plain clothes, narcotics division, uniform patrol, observing what I observed. Or, perhaps, my personal experiences, being -- just shortly before going into the police academy, being stopped on Springfield Boulevard into a checkpoint along with five other vehicles. There's five other black men, and we were all tossed out of our cars, many of us physically. I was thrown across the trunk of my car onto the street. It was later explained to me that I was stopped because they were looking for a black man in a dark car. That was one week before the academy. Or, maybe perhaps, the experience that my own son had 23 years later, less than a mile from the same location than it occurred with me. Or, maybe, less innocuous is this, if you remember. This is going to give you an example of bias.

00:23:00

In 2003, there was, in the Prospect Park, the Philharmonic was playing. 2003, let me remind you, was a time when there was a severe and heavy crackdown -- zero tolerance in the communities of color across this -- across the city. No tolerance for drinking in public, no tolerance for loitering, no tolerance for this. Absolutely zero tolerance, yet, still Mayor Bloomberg -- then Mayor Bloomberg sat in Prospect Park drinking his wine, laying out on a blanket, being offered all types of alcohol. He said, "Well, these people are different. There's not a problem with this. So, the police enforcement isn't necessary." The police did nothing to those large crowds of wine and cheese drinkers in Prospect Park, so much to the point where I went the next week to Bryant Park with my little blanket and my wine and my cheese, and I drank very well.

[Laughter]

Bias, no enforcement. Finally, I want to say -- and I wanted to go into a "stop and frisk" data and information. I don't think I'll have an opportunity to.

00:24:00

But I wanted to tell you that the other victims of bias policing are those hard-working, diligent, dedicated law enforcement professionals who because of biased policing are put in positions and given quotas and false productivity standards which place them in harm's way because they have increased contact and increased liability. It is not the everyday police officer who sets the tone and determines the level of bias in policing right now. It is the system, which I'm sure Professor Marshall will be going into historical context again -- it is the system that places

not only a certain population of citizens, but our police officers, in increased harm's way. Vote yes for the truth. Vote yes on the motion.

John Donovan:
Thank you, Marq Claxton.

[Applause]

John Donovan:
And that motion again: Policing is racially biased.

00:25:01

And here to make his opening statement against the motion, here is Harry Stern. He is managing principal for the law firm Rains, Lucia & Stern and a former Berkeley police officer. Ladies and gentlemen, Harry Stern.

[Applause]

Harry Stern
I want to start off by saying that this is an incredibly awkward experience talking about race like this. I kind of wish we had been given a bland and uncontroversial topic like religion or presidential politics.

[Laughter]

And this problem is compounded by the overt racism of the organizer of this event by pitting two black people against two white people.

[Applause]

Now, Heather Mac Donald, she is extremely white.

[Laughter]

And the other thing that I thought I'd share with you, a vignette from my time as a police officer, I was sent to a park to deal with a drunk.

00:26:01

And while I was speaking to him, I can tell he was reading my name tag. He was staggering a little bit. His lips were moving, and he finally looked over to me and said, "Stern, are you Jewish or white?"

[Laughter]

And I was taken aback. I didn't have an answer for him that was very good, so I arrested him.

[Laughter]

Just -- just kidding, Professor. But this highlights one of the truths about race and police work, and that's that it's complicated. It's fraught with confusion and misconceptions. Heather and I are going to explain to you -- all right, in large part it's going to be data driven because when we try to extrapolate our own personal experiences, we often get lost in stories and anecdotes that seem wildly important and emotional to us but don't necessarily form the basis for promulgating policy.

00:27:00

So, Heather is going to focus on the data that proves conclusively that policing in America is not biased. She's also going to talk about how the cry for safety in the black community really drives the police response. But let me tell you something. In one, our argument can be summarized as follows by an uncomfortable but inescapable truth, and here it is, black people commit more crime per capita than other groups. It's not something that I say cheerfully, but it's true. And the real problem with that statement is not only that it makes me personally uncomfortable and it's hard to say, but that people hear it as, "He's saying, black people are bad, or that black people are criminals." And the natural response to that is a reflexive reaction which puts it back on the police.

00:28:04

It turns it around in a sense and says, "That can't be the case. In fact, it has to be the police that are racist, the police that are bad, and we need to find a solution to that." I liken this to the pre-Aristotelian scientists who had the theory of what they called "spontaneous generation." And that was the idea that you could create mice out of thin air by putting down some old clothes and straw and they magically appeared. And the corollary is that the people who are proponents of this proposition feel that crime is created by the internal racism and bad thoughts of the police. This isn't the case. The -- what I can tell you, which is indisputable, is that this discussion is driven in large part by the high-profile incidents that we've seen that are infamous and are often captured on video.

00:29:09

I'm going to paraphrase Meryl Streep, all right, in this regard, and say to you, that only reprobates enjoy seeing violence like police action on TV, NFL games, and what was it, MMA fights? And my partner and mentor, the great trial lawyer, Mike Rains, puts it another way. And he says, "Force -- police use of force always looks ugly on videotapes." And this is a truth because none of us like to see violence in any form other than those reprobates that

Meryl Streep and I like to talk about. But that's an incredibly poor vehicle for forming public policy because these are the extreme cases.

00:30:00

In my remaining time, I'm going to suggest to you, inferentially, there's proof that the proposition of policing is racist in America can be shown by the wrong-headed, misguided consequences that are a result of that kind of thinking. First and foremost, is the inevitable increase in crime because when policy makers are almost myopically focused on stop data saying that it's disproportional and that it's not correlated to incidents of crime, the message to the police is, stop doing police work. The nature, maybe the essence of police work, is suspicion. It's Inspector Porfiry figuring out by subtle observation that Kalmykov was the suspect in the murders.

00:31:02

It's the state trooper who pulled over Timothy McVeigh for a license tab violation. It's the Italian police who stopped the Berlin Christmas terrorists for an ID check and wound up figuring out who he was.

John Donovan:

Harry Stern, I'm sorry. Your time is up for your opening statement. Thank you very much.

Harry Stern

Thank you.

[Applause]

John Donovan:

And a reminder of what's going on, we are halfway through the opening round of this Intelligence Squared U.S. debate. I'm John Donovan. We have four debaters, two teams of two, fighting it out over this motion: Policing is Racially Biased. You've heard two of the opening statements and now onto the third. Debating for the motion and making her way now to the lectern, Gloria Browne-Marshall. She is an associate professor of constitutional law, --

[Applause]

-- at John Jay College, a civil rights attorney, and author of "Race, Law, and American Society." Gloria Browne-Marshall.

[Applause]

00:32:00

Gloria Browne-Marshall:

Policing is racially biased. We're not saying that every police officer operates with racial animus. We're saying, generally, policing is racially biased and we support the motion with law, history, and practice. With law. Well, this city -- New York City, was sued by Mr. Floyd, and in 2013 the federal court said policing in New York City is racially biased, as well as the Justice Department of the United States said there were small, as well as large, police departments across the country and are finding that policing is racially biased. The United Nations said in 2013 in its report by the Human Rights Commission, policing is racially biased. By that point alone, we have won. However, we also need to know this, that the police department made up of people who've joined the police to help others are part of an extension of an American society that has race as that original sin.

00:33:13

I'm going to go through 400 years of history in a minute and a half.

[Laughter]

Four hundred years of history, a minute and a half. 1607, Jamestown colony is founded in Virginia. 1619, 20 Africans arrive in that colony. 1620, the Mayflower lands. We were here before the Mayflower. In the 1600s, you had hard-working people of African descent following the law, but then the laws changed, didn't they? And subjected them to chain slavery. Subjected to chain slavery and freedom becomes a crime, but then slavery is the law. Who enforces slavery? Militias, small groups, slave catchers.

00:34:01

In our society, it's not the bobbies of London that start the police force. It is the slave patrols from which our police force then is founded. Those slave patrols, the bounty hunters whose job it is to go find those runaway slaves and bring them back. 1865, the 13th Amendment abolishes slavery, but read your Constitution. Slavery is abolished except as punishment for a crime. The words are there. Slavery is abolished except as punishment for a crime. So, what happens between 1865 and World War II? The convict lease system. Criminal laws are put in place to criminalize black behavior so that they can then be used as laborers, remember the movie "The Shawshank Redemption?" The wardens then lease out the prison laborers. But then how do you get that labor? You create criminal laws that criminalize black behavior.

00:35:00

You round them up. You do these things, and then you work them -- some of them worked to death. Remember, from 1865 to World War II. Then we have Jim Crow segregation. Who then enforces segregation? The criminal justice system, police officers. Over 4,000 people were lynched in this country, burned alive, castrated, throats cut, tortured. This happened right here in the United States. Was anybody arrested? No. Where were the police officers for African

Americans? No people were arrested. And yet, we fight on, believing in our criminal justice system, even though the police officers are protecting those people. There are pictures of those crowds standing there with bodies hanging from trees. Where are the police? Then we get the Civil Rights movement, and there's movement forward. But then, in 1968, the U.S. Supreme Court rules, in *Terry v. Ohio*, that the police have unprecedented authority to stop and frisk based on reasonable suspicion of imminent danger.

00:36:04

But now, as we go through time, we find the imminent danger part has dropped away. Police officers are stopping people, but they're stopping mostly brown and black people, until by 2011, we have 600,000 people stopped by police -- nearly 700,000 people -- the majority of whom are black and brown. That's why the Floyd case in 2013 ruled that there was racial profiling practiced in this city. History, practice, law. You will hear that the police officers have no choice but to go to into certain communities based on data. But can't it be both data as well as racial bias? We say that there is both. You can have some data, but there's also racial bias. He said that black people commit more crimes. What kind of crimes?

00:37:00

How many of you were smoking marijuana, or your friends? That's a crime. How many of you were committing criminal acts, and you know the police wouldn't stop you for it? What kind of crimes? When they talk about African Americans, they want to talk about violent crimes. And then they want to vilify those people who protest against our public servants we pay taxes for, who are abusing our rights. This country was born in protest. The Declaration of Independence was protest. We should not be vilifying those people, those citizens who say, "We want the police to help us, not hurt us." Will someone Christian decide when the anti-Semitism is over? Will a man when decide when there's no more sexism? I don't think so. There is racial bias --

[Applause]

-- in policing. Vote yes for the motion. Thank you.

[Applause]

John Donovan:

Thank you, Gloria Browne-Marshall. And that motion again: Policing is Racially Biased.

00:38:01

And here to make her opening statement against the motion, Heather Mac Donald, the Thomas W. Smith Fellow at the Manhattan Institute, contributing editor of *The City Journal* and author of "The War on Cops." Heather Mac Donald.

[Applause]

Heather Mac Donald:

Thank you very much. Let me state some core principles. The police have an absolute obligation to treat everyone they encounter with courtesy and respect. Too often, cops develop hardened, obnoxious attitudes towards the public. Second, every police shooting of an innocent civilian is a stomach-churning tragedy. Tactical training has to work incessantly to prevent such calamities. Third, given this country's appalling history of racism, and the use of police brutality to uphold slavery and segregation, police shootings of black men are particularly and understandably fraught. But however tragic the history of policing and race, patterns of policing today do not demonstrate police bias.

00:39:04

Contemporary policing is data driven. In order to save lives, cops go where people are most being victimized, and that is in minority neighborhoods. To understand policing, you first have to look at the facts of crime, however uncomfortable it may be to do so. I'm going to focus on fatal police shootings, because that has been the focus as well of the Black Lives Matter movement. In 2015, cops killed 991 people -- the vast majority, armed and dangerous. 50 percent of the victims of police shootings were white, though you would never know it from the press coverage. Among the white victims of fatal police shootings was a 50-year-old in Tuscaloosa, Alabama in a domestic violence incident, who ran at the officer with a spoon, and a 28-year-old driver in Des Moines, Iowa, who led the police on a car chase and then walked quickly towards the shooting officer.

00:40:02

Now, had any of those victims been white, there's a good chance they would have become a national news story -- been black, excuse me. But because they were white and didn't fit the national narrative about policing and race, they are completely unknown. Now, 26 percent of the victims of fatal police shootings in 2015 were black. Does that indicate police racism? After all, blacks are only 13 percent of the nation's population. It does not. Police shootings are going to occur where the police most frequently encounter violence and resisting suspects, and that is in also minority neighborhoods. Police activity, whether stops, arrests, or shootings, should be measured against crime, not population ratios. According to the Justice Department, blacks die of homicide at six times the rate of whites and Hispanics combined.

00:41:00

That's because blacks commit homicide at eight times the rate of whites and Hispanics combined according to the Justice Department. In the 75 largest counties of the United States, which is where most of the population resides, blacks commit over 50 percent of all violent crime, though they're 15 percent of the population in those counties. These crime disparities

are repeated in every big American city. Here in New York, blacks commit 75 percent of all shootings, though they're 23 percent of the population. How do we know that? That's what the victims of and witnesses to those shootings, who are overwhelmingly minority themselves, tell the police. Whites commit 2 percent of all shootings, though they are 34 percent of the city's population. Add Hispanic shootings to black shootings, and you account for 98 percent of all shootings in New York City. This means that virtually every time the cops are called out to a shooting scene, they're being called to a minority neighborhood on behalf of minority victims and being given a description of a minority suspect.

00:42:07

The cops don't wish that disparity. It's a reality forced upon them by the reality of crime. The other factor that drives police activity is community requests for assistance. Go to any police community meeting in a high-crime area, and you'll hear some version of the following questions, you arrest the drug dealers and they're back on the corner the next day; there's teens hanging out in the street fighting; what ever happened to truancy and loitering laws; there's trespassers in my lobby smoking weed and selling drugs. I'm scared to go down to get my mail. The irony is this, if the police respond to these heartfelt questions for public order they'll generate the racially disproportionate enforcement activity that can be used against them however falsely in a racial profiling lawsuit. But if they don't respond, they'll be ignoring the thousands of hard-working, law-abiding inner city residents who beg the police for public order.

00:43:06

In conclusion, policing today is not racially biased. In fact, there is no government agency that is more dedicated to the proposition that black lives matter than the police. Thanks to data-driven proactive policing, thousands of minority lives were saved over the last two decades that would have been lost had crime rates remained at their early 1990s levels. The police must work incessantly to improve their communications and tactical skills. And if an officer abuses his authority, he must be removed. But as long as crime and victimization remain so unevenly distributed throughout the population, police civilian contacts will be too. That is not racism, it is reality. Thank you.

John Donovan:

Thank you, Heather Mac Donald.

[Applause]

And that concludes round one of this Intelligence Squared U.S. debate where our motion is: Policing is racially biased.

00:44:02

And now we move on to round two. And in round two, the debaters take questions from me and from you in our live audience, and they speak directly to one another. They can, from time to time, interrupt each other or question each other as well. Our motion is this: Policing is racially biased. We've heard the team arguing for the motion, Gloria Browne-Marshall and Marq Claxton argue that to reject the argument that bias is happening in policing is intellectually dishonest. They're not saying that every cop is a racist, but that the system is; that this has been established in a number -- by a number of tribunals, by course, by the United Nations, by investigations by the Department of Justice where racial profiling, they say, was absolutely established, repeatedly. They tell the story as rooted in the heritage of black behavior being criminalized throughout the history of the United States. And they say that -- that they don't -- preemptively say the opponents are going to throw a lot of numbers at you to disprove their argument, but they're saying the numbers can be true and yet still the system can be racist.

00:45:02

The team arguing against the motion, Heather MacDonald and Harry Stern, indeed do come up with the argument that data matters a lot. They say that policing is not racially biased, but that it may seem so due to confusion and misconception based on stories and anecdotes that can be powerful but not absolutely comprehensive. They say the reality is that black people commit more crime per capita than other groups; that that's where the crime is, that's where the police go, that's where the incidents happen. They are basically making argument that if you step back and look at the numbers and look at the patterns, it's also true that while some cops may be racist, the system as a whole is not racist. So, we're going to peel back some of these arguments and mix it up and go a little bit deeper on all of these topics. But I want to start by asking the team arguing against the motion to respond to your opponents' laying out the fact that there -- that racial profiling had been established and documented by the Department of Justice.

00:46:01

The report done on Ferguson, Missouri, a few years ago, was damning in its portrayal of racism in an entire community. They talk about the UN, et cetera. What about those cases as evidence? Where do you -- how do you place those? I'll take it to Heather MacDonald first.

Heather MacDonald:

Well, I don't necessarily view the UN as an expert on American policing, and I think that some of those reports used a specious methodology for determining racial profiling. They inevitably use a population benchmark to evaluate policing. They -- you can read every Justice Department's report that's come out in the last eight years looking at police departments, and you will not find any discussion in those reports of crime. Again, policing today is data driven, and it is not the police who are determining where to put their resources, it is where people are being victimized. You can go to a comp stat meeting in New York City.

00:47:00

These are these high-intensity accountability sessions that the New York Police Department subjects itself to. They don't talk about race. They talk about who is being robbed, where the drive by shooting's occurring, and what is our strategy for trying to respond to that?

John Donovan:

Okay. Let's let Gloria Browne-Marshall respond.

Gloria Browne-Marshall:

I am quite sure the police department is not going to go into a meeting and talk about race. They're not saying, we're going to go after the black people. However, in the Floyd case, I was in the federal courtroom --

John Donovan:

Could you remind people very briefly the Floyd case, for those who --

Gloria Browne-Marshall:

The Floyd case was a case that was brought by an individual African-American male who was going into his home and he was arrested by police, racially profiled by police, and he brought a suit. I want you to think about what stop and frisk is. Think about the government touching you, holding you up to ridicule in public, rubbing your legs, your arms, your head, your body, your back, your chest, and then making you stand there, making you lie down on the ground with your face in the -- on the sidewalk or in the dirt.

00:48:06

That's what racial profiling can lead to in stop and frisk. And that's the power police officers have. I want police officers to be safe. I have friends who are police officers. But there has been abuse. And the Floyd case that was decided in federal court indicated that there was not just based on disproportionality, but based on the facts of the case and the evidence given and a recording of police officers telling other police officers to go to certain communities and, I quote, "Make them understand that community does not belong to them, it belongs to us."

John Donovan:

Okay. Let me bring it to Harry Stern. And again, your -- your opponents' argument with anecdotes, which you said at the beginning, not good enough.

Harry Stern

Well, it's not that it's not good enough, it's not that it's not their experience, and it's not that in some ways --

John Donovan:

Is it that it's not real or are you saying --?

Harry Stern

-- it's not compelling. Here's the fundamental issue, and, you know, actually, the professor talked about Terry vs. Ohio, which was the case that set forth the standards that police officers are allowed to stop and frisk people based on a low standard of suspicion.

00:49:14

And that case was really an outgrowth and just a reaffirm -- reaffirmation of Constitutional privileges, that -- that the Fourth Amendment only prohibits unreasonable searches. Let me tell you something -- and I expect Marq to be on my side on this one and come over to this side of the table.

Gloria Browne-Marshall:

No.

Harry Stern

Racial -- I like him. I'd like you too, but not for the moment.

[Laughter]

Gloria Browne-Marshall:

Thank you.

Harry Stern

Here's my point: Racial profiling is crappy police work. And here's what I mean by that. I worked -- I had the privilege of working in predominantly black neighborhoods.

00:50:01

And if I was going to stop every black person that I encountered, not only was it going to be a long and arduous day, I wouldn't get anything accomplished. So, the idea that racially profiling, stopping people just because of their race constitutes good police work is hogwash.

John Donovan:

But who's arguing that? Who's arguing that is good policing?

Harry Stern

My argument --

Gloria Browne-Marshall:

He's arguing with himself.

[Laughter]

John Donovan:

No. All right. Let me let Marq jump in on this.

Marq Claxton:

Look. I agree with my partner. He's arguing with himself.

John Donovan:

We'll get to that.

Marq Claxton:

I don't think -- one thing that I think we have to do and I attempted to do it in my definitions is really stay as close to the motion as possible, because I fear that if we go deeper into, is policing racist we go in a different area and dimension. We can have that argument. We're prepared to do that, but I think I want to make sure that the audience knows -- the voting audience knows, that, you know, the motion is Policing is racially biased.

00:51:06

Let's be clear about something. Stop and frisk and I think, you know, was mentioned, referred to the data on stop and frisk specifically here in New York City, the numbers speak unbelievably for themselves and they speak poorly about policing, and I agree with you. You know, racial profiling and policing is crappy police work and that's why it's important for us to understand that in addition to, you know, citizen victims it's the police officer who now has increased liability, more negative contact with people, a lack of confidence. We've lost the faith in cops as have so many people. Why? Because quotas and the quest for data forces police officers to engage in conduct that they normally would not engage in. It's a matter of survival, job survival on many levels, and it's important for us to realize that we expose our brave men and women to increase liability by engaging in racial profiling or biased policing.

00:52:08

John Donovan:

Heather Mac Donald.

Heather MacDonald:

I am sure that there were very bad stops being made during the high-water mark of stop, question, frisk in New York City. There's -- I agree with Marq. There was a pressure to generate activity data that undoubtedly resulted in an overuse of stops. Nevertheless, let me first point out the judge in the Floyd case was removed from the case afterwards by the 9th -- by the 2nd Circuit Court of Appeals for demonstrating -- violating the appearance of impartiality because she steered cases on stop, question, frisk to her courtroom. She encouraged the filing of cases. So, her disposition towards this issue is not exactly impartial. Let's look at the data on --

Gloria Browne-Marshall:

But it was not found that she had any impartiality in that case.

Heather MacDonald:

-- that Marq says, unequivocally, shows that there was bias.

00:53:00

Fifty-three percent of all stops in New York City had a black subject. Nine percent had a white subject. I would like to ask my -- the opposing team what they think the proper ratio should be. Given that blacks commit 75 percent of all shootings and 70 percent of all robberies -- again, according to victims and witnesses, this isn't the biased police talking, and whites commit less than 2 percent of all shootings and 5 percent of all robberies, what should stop rates look like. Again, the existing rates was 53 percent stops and nine -- for blacks, and 9 percent for whites.

John Donovan:

Okay. Let's let Gloria answer the question.

Heather MacDonald:

Should it be population based?

Gloria Browne-Marshall:

I'm going to say something that goes back to what Harry mentioned.

Harry Stern

You're back on my team?

[Laughter]

Gloria Browne-Marshall:

No.

[Laughter]

You said blacks commit more crimes. How are you defining crime? You've only focused on violent crimes and that's a very small percentage of all crimes.

00:54:02

When you start talking about burglaries, when you start talking about assaults, when you start thinking about the fact that there are over 300 million people in this country, the majority of whom are white. So, in order for you to be a part of this database, that means that a police

officer has to not only encounter you, but decide to arrest you, and what happens is, whites commit more crimes, but they are not arrested in the proportion in which they should be arrested. There are interactions with police officers that take place on a myriad of occasions, but what we have at the same time is that police officer making a judgment call, because policing is very subjective. You're going to decide, "Do I -- am I going to ruin the future of this teenager whose caught, you know, destroying public property or smoking marijuana in the car?" And those of you in this room know how many times you should have been arrested as a teen.

00:55:01

Okay.

[Laughter]

John Donovan:

Heather MacDonald. All right.

[Applause]

Harry Stern. Harry Stern.

Harry Stern

Professor -- and as a matter of fact, my teenage son is in the room, so behave --

[Laughter]

-- for once. But professor, listen. This is why -- and you know, some people might think that we're -- keep hearkening back to stale data. But this is why it's so important, because it's really not susceptible to the kind of emotional arguments, with all due respect, you're making.

John Donovan:

But --

Harry Stern

Let me talk to you --

John Donovan:

But Harry, can I just -- I take what I think Gloria was saying, which is a lot of the crime statistics that you're talking about -- which may be all you have -- don't actually cover all of the crime, that a lot of things don't get reported, that they're reported disproportionately between communities of color and white communities. I think that's what her point is, and I want -- I think it's a valid point. I want to hear what you're saying about that.

00:56:00

Harry Stern
Okay. Well --

John Donvan:
And I know it's hard to say -- well, if we don't have the data, we don't have the data. Nevertheless --

Harry Stern
No, no, no --

John Donvan:
-- it's a powerful --

Harry Stern
-- I'm not actually going to say that. I'm going to throw it back at both of you, frankly, really, a common-sense point -- is I'm going to go out on a limb and estimate that 100 percent of homicides are reported, okay? There isn't any disparity between the suburbs and the cities or farm communities about when people are getting murdered. They get reported. I'm going to go out on a limb and estimate that the vast majority of our armed robberies, and shootings, and rapes are reported. On the fringes are things that we can all have -- that we can all have -- okay. You didn't like that point. I'm sorry.

John Donvan:
I think you lost them on all the rapes being reported.

Harry Stern
Don't take it out against Heather, all right? You can --

Heather MacDonald:
I'd always report.

Harry Stern
Or push number 17C on me, and a light will go off. But look, the vast majority of violent crimes are being reported, regardless of the community.

00:57:03

So, this data is objective. I'm more familiar with what's going on in the Bay Area, in Oakland, for example. 28 percent African American population in Oakland. 85 percent rate of committing violent crimes -- the ones that I just mentioned. And there's really no walking back from that. In my concluding statements, I will throw out an olive branch and try to convince the audience, my family, and the other side that I'm not the worst person in the world and tell you where I think we can find some common ground, but that's -- those are the facts.

John Donovan:
All right. Marq Claxton.

[MQ]
One thing for sure -- Harry cracks me up.

[Laughter]

But one thing -- what's clear is that -- I assure you that if we decided, starting tomorrow, to make this area within 10 block -- a 10-block radius of this area a special zone, and we decide to do zero enforcement --

00:58:05

-- zero-tolerance enforcement, and we decided to increase -- as a law enforcement agency, increase our activities in this 10-square block area, this would be the most criminal area in New York within a short period of time. Now --

[Applause]

-- I agree -- you -- and I think the point that we're missing is, or we have missed in this back and forth -- and I think, John, you were touching on it -- is that, you know, my partner indicated that there's only certain crimes you look at to determine criminality. And people are very selective about what crimes they looked at to determine who is more criminal, so to speak. They look at particular crimes at particular times, and that's also the problem with the -- like, for example, NYPD collection system. They only gather information on seven crimes.

00:59:02

There are hundreds of other crimes in the books. They only tell you about seven, and tell you if crime is up or down, or up -- it's not accurate. And I suspect that's what's being done with -- here with the --

John Donovan:
Well, let me --

Marq Claxton:
-- with the opposition.

John Donovan:
Let me check with Heather. I actually didn't hear you say you're only speaking about violent crime, but are you?

Heather MacDonald:

No. I'm not. But I don't -- the NYPD collects a lot of crimes. They've got Part 2 UCRs [spelled phonetically] as well. So, it's not just they look into seven scariest violent felonies. But I don't know -- again, why are the police in certain communities? To save lives. They don't determine these decisions -- why are they enforcing loitering laws in certain communities? Because that's what the public is asking them to do. If the public in this community said, "There's too many people hanging out on the corners fighting. Why don't you do something about it?" the cops would enforce the laws here. Policing is responsive as well as being data-driven.

01:00:02

I don't know what --

John Donovan:

But then nail why -- why does that matter? Nail that point, why does that matter?

Heather MacDonald:

It matters because they are doing what the people in the community want them to do. When you have people that are scared to go into their lobby because of the trespassers -- I spoke with an elderly cancer amputee in the Mount Hope section of the Bronx who said, "Please, Jesus, send more police," because the only time she felt safe was when the police were in her building lobby because it was otherwise colonized by youth. What are the police supposed to do when she's begging them to restore order there? Ignore it because it would generate too much disproportionate data? There's -- shootings are not going on in other areas of the city. It's -- they're not.

John Donovan:

Yeah, but --

Heather MacDonald:

The people that are being killed are overwhelmingly --

Gloria Browne-Marshall:

All right.

John Donovan:

Let's let Gloria answer then.

Heather MacDonald:

Black --

John Donovan:

Gloria Browne-Marshall.

Gloria Browne-Marshall:

Okay. John Jay College is located on 59th and 10th Avenue.

01:01:01

Think about the fact that this used to be Hell's Kitchen and now it's the Lincoln Center area. There is a difference in services provided based on that. When I see young people leaving school, they are rambunctious. They are talking loud, they're having fun, they have all this energy. But then once you put a shade of color on them, it's a difference in policing. When those students are leaving this area in the Upper East Side, rambunctious, loud, using new curse words, yes, they're not seen as a threat. But then you move it to Brooklyn, they are. That's what we're talking about when we're saying racial bias in policing, the difference in what you see, your perception. My other concern is this, when we talk about crime, no one's talking about that white serial killer. No one's talking about that white mass murderer. The person who committed the most murders in this country as one human being, the Green River Killer, who killed over 48 women.

01:02:06

And he can't remember the other 50.

John Donovan:

Gloria, how do you put numbers on the thing -- that kind of ineffable thing that you're talking about, a suspicion, a passing moment, the fact that a white cop might call out a black kid for cursing in Brooklyn, but he wouldn't in Manhattan? How do you put numbers on that? Because your opponents are arguing you need to -- you need to nail this stuff down. It needs to be quantifiable. How do you quantify it?

Gloria Browne-Marshall:

Well, one of the things that, you know, Harry and I talk about a little bit beforehand was the data collection. In order to collect the data, whenever there's an encounter with police, then it has to be -- it has to be collected. It has to be written down in some way. So, that means when you have that data with that interaction with the white teenager. My concern is, and it's a concern that Harry raised before. The fear that officers are being used to put people in the system.

01:03:02

That's a concern both of us share. When you have people of color being put in the system, being labeled in a way, being part of the overall data collection. But if you're encountering the - - making that determination when you encounter a white teenager that you decide to counsel instead of arrest --

John Donovan:

Are you saying you should count those, that there could be a way to count it?

Gloria Browne-Marshall:
I think they're going to have to.

John Donovan:
Okay.

Gloria Browne-Marshall:
In order for us to find out who the police is actually interacting with. We -- but I think we're going to have to write it -- and it disturbs me as much as it disturbs other people. But we can't have it only be written down by people -- about people of color because that's then who Heather studies, who is ever in the database. And then she then teases a number from that --

John Donovan:
Okay.

Gloria Browne-Marshall:
-- and we leave out all those other white middle class and upper class kids and other individuals who are not part of the study.

John Donovan:
Let me take your point then to Heather who -- I think what you're hearing from Gloria, she's saying actually that your data is biased or your data is produced by a system that is biased, and so the bias is already built in.

01:04:01

Is that something, as a social scientist, that you're on top of, are you aware of it? Or she's touched on something that's a real problem?

Heather MacDonald:
I don't think it's a problem. Again, as Harry said, homicides are the gold standard of crime data, and they show the same pattern as every other type of crime.

Gloria Browne-Marshall:
That's not true.

Heather MacDonald:
I don't -- I don't know what the real theory is of why police officers would arbitrarily ignore a group of white teens that are raising hell and go after the black teens. They are responding -- they are responding to what they hear from the community. So, when I was -- I went to the 41st precinct in the South Bronx in June, and I heard people there say, "There's hundreds of kids hanging out on the corner fighting. They're beating up on young girls. Why can't you do

something about it?" So, if you're a police commander in that situation, what are you supposed to do? That's what they're hearing.

01:05:00

They are not determining these tactics on a vacuum. They are listening to the community. If there was that level of disorder elsewhere, that's what the cops would be doing.

John Donovan:

Let's take that point to Marq Claxton. So, Heather is saying -- again, she's saying that the cops are going where the crime is. They're going where they're being called to solve problems, that the behaviors that are -- that require police action, which then will lead to interactions which may or may not be negative, are happening more often in communities of color than in white communities. Therefore, there's going to just be more stuff for better or worse in the color -- in the colors of community; that that's the driving thing here. What about that?

Marq Claxton:

Well, first, if I can tell you that Heather has really bought the NYPD line hook and sinker, boy. I'll tell you, we're responding to community complaints, et cetera. I think that -- I mean, that sounds great.

Heather MacDonald:

I've seen them.

Marq Claxton:

Well, I did it for 20-something years.

[Laughter]

[Applause]

And I can tell you -- and it sounds good, and I understand why because it just would seem logical that police action would be based on these actual complaints from the ministers and the community, et cetera.

01:06:05

First off, if you've ever gone in these communities, that ain't a whole lot of people there so you're not getting a lot of information, but --

Heather MacDonald:

Yeah, they're scared of drug dealers.

Marq Claxton:

Let me just say this, you will find crime where you look for it. If you look for it there, you will find it. And if you collect databased on the decision that you made, the subjective decision that you made to look for it there, not based on community concerns or some old lady said this, or some, you know, person said that. It's not about that at all. But where you decided to consciously look for it and execute this new enforcement action, you're going to find crime there.

John Donovan:

So, it sounds like we're having a chicken and an egg argument here, actually. Let me make --

Heather MacDonald:

We haven't talked about our technology. We have a Shot Spotter technology. This is something that transcends people reporting crime --

Harry Stern

Allow me --

Heather MacDonald:

-- in New York. It's a machine that listens to shootings.

Marq Claxton:

And it point where the shot came from.

Heather MacDonald:

The shots are happening in high-crime areas.

01:07:01

The police are trying to save lives. They believe that black lives matter.

Marq Claxton:

But, Heather, hear me.

Heather MacDonald:

This is not based on --

Marq Claxton:

Just to that point specifically --

Heather MacDonald:

-- police reporting or false --

Marq Claxton:

Here's a classic example of what I just said. You only get shot -- shot -- what's the name of this silly system?

Heather MacDonald:
Shot Spotter.

Marq Claxton:
-- Shot Spotter information from locations you put the Shot Spotter equipment in.

[Laughter]

And all of those locations --

[Applause]

-- all of them are in black communities, all of them. Am I right, Heather?

Heather MacDonald:
So -- so who --

John Donovan:
Let me --

Heather MacDonald:
-- shooting victims --

John Donovan:
Let's let your partner come in. Harry Stern. Harry Stern.

Harry Stern
Well, listen, we've got chicken and eggs, and I'm going to make an omelette and circle back and explain this whole thing to you in a rational, practical way, and I promise not to tell too many more police stories. But here's the way it works: You can't explain away the statistics, the core statistics, about the violent crimes, okay? Homicide reporting is a hundred percent. Armed robbery is right up there.

01:08:01

So, by definition, those are the factors you have to look at. And the other crimes, we have can't --
[talking simultaneously]

John Donovan:
I just need to check your statement on this.

Harry Stern
Yeah.

John Donovan:
Why, by definition, are those the factors you have to look at when your opponents are proposing that there are all kinds of other crimes, lower level, where data isn't kept, et cetera. Why by definition --

Harry Stern:
Well, let me -- let me explain.

John Donovan:
Why does violent crime actually drive your argument?

Harry Stern:
Because violent crime is what matters, and violent crime -- there are no reasonable policy debates of whether or not we should respond to armed robberies or whether there's a difference between homicide reporting and investigation in the suburbs or in the city, okay? So, those are the things that aren't subjective. They're a hundred percent objective. On the fringes are drug crimes and quality of life crimes. But here's where those two things come together, okay.

01:09:02

The broken window theory, the stop and risk -- the stop and frisk -- Marq would call it "stop and risk" -- theory of fighting crime goes something like this, in order to combat the violence that no reasonable person is going to argue is a good thing. Nobody's out there saying we'd like more homicides in our neighborhood. We want more holdups. In order to combat those things, you go after quality of life crimes. So, without one, there's the -- there's not the other. And that's a perfectly rational police response to an outcry from a community. And frankly, it works.

John Donovan:
Let me take -- we're going to go to audience questions in a second, but I want to take one more question from the previous discussion to Gloria Browne-Marshall, which is, your opponent's assertion that murders are committed in hugely disproportionate numbers by African-Americans compared to their place in the population, which is a great big, you know, angry statistic hanging out there that you haven't responded to.

01:10:03

And that's a major piece of your opponent's ammunition. What's your response to it?

Gloria Browne-Marshall:

White men and white-on-white crime is something that has not been studied and should be studied, because white men and other people within their ethnic group kill or hurt within their ethnic group. Whites hurt whites. Blacks hurt blacks, et cetera. Latinos, Asians, et cetera. You hurt what's in your ethnic group. Rape within your ethnic group. We have not talked at all about the number of people harmed by white men who commit mass murders. When a white male walks into a school and kills children it's not a white male who's done it, it's a disturbed young male. When a white man --

[Applause]

So, when we start talking about how can we save lives, this nation has now been known as a nation of mass murderers.

01:11:00

And those mass murderers --

John Donovan:
But Gloria, Gloria --

Gloria Browne-Marshall:
-- are 99 percent white men.

John Donovan:
Gloria, you're not -- I don't feel that you're answering the question, --

Gloria Browne-Marshall:
Okay.

John Donovan:
-- which is just that this fact that this disproportionately high number of murders committed in this nation are committed disproportionately to the place and population by black men. Conceding that there are white mass murderers, absolutely conceded. What is -- what do you make of your opponent's assertion as that as a proof of the issue that that's where the crime is?

Gloria Browne-Marshall:
Well, I would say that there are black victims who want police to come and they want justice. So, we concede that point when it comes to the fact that there's harm within the black communities. Unfortunately, what about the little old lady who lived down the street whose grandson is stopped five times because he fits the description of young and black in Brownsville? And Heather refers to this as the crime tax. Well, that's the tax you pay for living in a high-crime neighborhood that you don't have the same rights, you don't get the same protections.

01:12:01

You don't get the same courtesy as people who live in other communities because you happen to live in a neighborhood where there are murders that take place like Brownsville. So, when we talk about, you know, racial bias, which is the topic here on the table and Marq has gone back to this many times, policing is racially biased, does that mean that, based on where people can live if crime has taken place in that neighborhood, and I say this one more time, when we look at the upper east side or the upper west side and the types of crimes that take place in this neighborhood that are not reported, since police are not focused on those areas, you're not going to have the same people subjected to the same type of harassment that takes place in these other communities.

John Donovan:

Okay. We will go to questions. I want to let Heather Mac Donald have 30 seconds.

Heather MacDonald:

Just briefly. Mass murderers, less than 1 percent of all homicides are mass murders, and there, too, you have racial disproportion. Blacks commit 17 percent of mass murders, whites 59 percent.

Gloria Browne-Marshall:

That's not true.

Heather MacDonald:

That is true.

Gloria Browne-Marshall:

That is not true.

01:13:00

Heather MacDonald:

As far as show me -- and I've not said a crime tax means that the police can treat people unfairly, they have to use behavioral cues and meet the legal standard to make a stop. What I have said is given the vast disparities in who is committing shootings in this city, it is the tragic case that if you are a black male in New York City, a law-abiding black male, which is the vast majority of black males, you stand a much greater chance of being stopped because at some point in your life you meet a suspect description that if you're a white male, again, the facts are these. According to victims and witnesses, blacks and Hispanics commit 98 percent of all shootings in New York City, whites 2 percent.

John Donovan:

Okay.

Heather MacDonald:

So, that means, virtually, never are the police being given a description of a white shooter.

John Donovan:

I need to move on. You took a minute when I gave you 30 seconds, so I'm going to give you 15 seconds. Gloria, can you do it?

Gloria Browne-Marshall:

Yes.

01:14:00

The New York State attorney general's report on stop and frisk found that of all those stopped, black and brown people, 70 percent African American, a very high percentage of Latinos, it was on white people stopped. A very small percentage of white people stopped that they found the guns.

John Donovan:

Okay. Let's go to some audience questions. Ma'am, right down here. Yep. Yep. Mic's coming down your right. If you could do this for me, hold the mic about as far away from your mouth as my mic is. Ask a question tersely, but tell us your name first. And if you're with -- if you're blogging or you're a journalist, we'd appreciate kind of knowing your organization.

Female Speaker:

My name is Maria. I'm not with a journalist -- I'm not a journalist. My question is, and part of it is maybe definitional, in the beginning there was talk about policing is racially biased as a system thing rather than a police officer is racially biased, and I don't think anyone has talked about how the system is racially biased.

01:15:00

I'd love either team to respond. What makes policing -- from a system perspective versus the acts of an individual?

John Donovan:

Do you really feel that you haven't heard that? Because I think -- I think it's been pretty -- I think that has been the assumption of the debate. So, I'm going to respectfully pass on it, because I think that we've been there. But thank you. Let's see. Right down in the front here. You were already standing up before I called on you.

[Laughter]

I don't want anyone else to know that that technique worked.

[Laughter]

Female Speaker:
Hi.

John Donovan:
Hi.

Female Speaker:
I think my question is -- would be -- my name? You need my name?

John Donovan:
Sure. Just first name.

Female Speaker:
My first name?

John Donovan:
Sure.

Female Speaker:
Casilda [spelled phonetically].

John Donovan:
Okay.

Female Speaker:
This would be against the motion.

Harry Stern:
Howdy.

Female Speaker:
Pardon?

Harry Stern
Hello.

Female Speaker:
Hi.

[Laughter]

In terms of -- you know, I've been listening, in terms of the systematic policing, racially biased -- I was trying to think in terms of understanding the bias.

01:16:02

And like, I get the systematic part of policing and the bias. Now, when you have -- when you think about the crimes -- and I was trying to stay focused on the type of violent crimes --

John Donovan:

Ma'am, I need you to, like, dive right to the question. The thing --

Female Speaker:

The type of violent crimes. You know, many years ago, we had the --

John Donovan:

I need you to get to a question.

Female Speaker:

Many years ago, we had the weed and crack in the --

Harry Stern:

Yes.

Female Speaker:

-- from the crime -- I guess it would be a misdemeanor, depending on how much we had. Now recently, in the news, we've heard of the heroin -- things in the community. And recently, they --

John Donovan:

Okay. I have to stop you.

Female Speaker:

-- recently, they decided that they would look into the heroin.

John Donovan:

Wait, you -- that's a statement.

Female Speaker:

The question is --

John Donovan:

There we go.

Female Speaker:

The question is -- [laughs] -- do you see the bias there, how now that heroin is being taken care of because it affects a certain part of the community and is not necessarily happening in the community of color?

John Donovan:

Okay. And very often that question, if I may add to that, is put that -- in black communities, kids who are doing drugs are arrested.

01:17:04

This is a pattern that is reported -- it's not me asserting this. And in white communities, during the heroin epidemic in the upper Midwest and other suburban communities -- that white kids with heroin problems are offered help, that that's society's solution. And that's -- but then I think that that's what you're talking about.

Harry Stern:

Sure. Let me try and answer that. Thank you for the question. So, now am I going to hearken back to my vast knowledge of police work. And I was a warrior on the crack wars. I started police work in the late '80s, and here was the driving force, though. It was violence. So, nobody cares if some chubby guy with long hair is smoking weed, and watching cartoons, and eating Twinkies in his apartment. That's not a public safety issue. His parents aren't happy, but he's not causing violence in the community.

01:18:01

When I worked in narcotics -- primarily focused on crack, because that's what we were dealing with -- it wasn't the idea that people were smoking crack and ruining their lives, it was the violence that was attendant. And we were responding directly to the outcry from the community, "Get the dope dealers off the streets. Stop the drive-by shootings. Make our neighborhood safe again."

Gloria Browne-Marshall:

May I --

John Donovan:

All right. Let me take a -- can I take it to -- all right. Go ahead, Gloria. I just wanted to -- what I heard your opponent say is, it's not evidence of a double standard, it's evidence of a response to the violence associated with the drug usage.

Gloria Browne-Marshall:

And I --

John Donovan:

And that's a powerful argument.

Gloria Browne-Marshall:

And that fits into the issue of the system and how you have the racial system and the racial -- the bias in the racial -- in the system, in that you have different policies for different people. So, when it's crack cocaine, you have a policy of arrest. When it's powder cocaine, you have a policy of counseling. And at this point, we're dealing with a heroin epidemic.

01:19:00

And it's now getting so bad -- it's gotten so bad that it's made the news -- New York Times articles, et cetera. Let me just point to one thing. Here's where the violence comes in. You have to feed that \$100, \$200, \$300 a day habit, so you have breaking and entering. You have burglaries. And that's why I say, when we talk about crime, why is it that you only look at certain crimes? You're not looking at these types of crimes. You're not looking at the fact that crystal meth is an epidemic in rural communities, mostly white people -- but you don't hear that much about it. Suburban communities, wealthy communities are dealing with this, and they're saying counseling. Now they're saying, "Don't even arrest these people." As far as I know, possession of heroin is a crime. And yet, counseling, not criminality is the point when those people are being arrested.

John Donovan:

Heather MacDonald.

Heather MacDonald:

Well, the New York Times actually did a study this summer and found that if you're arrested as a dealer in a rural country, a white rural county in the U.S., you have a 50 percent greater chance of getting sentenced to prison than if you're in a big urban jurisdiction.

01:20:01

The reason that we had the attempt for the federal government to look at crack was the congressional black caucus was saying this is a crisis. Alton Walden of Queens in 1986 said, "This is the worst self-inflicted oppression that we've experienced since slavery. This is destroying our community." The meth penalties -- we've all heard about the infamous hundred to one disparity between powder cocaine and crack cocaine and a certain amount of crack would yield you a five to ten-year mandatory sentence. Exact same penalty structure for meth. That's what we never hear about. Meth federal trafficking defendants are about 57, 58 percent white and 2 percent black. So, if the crack penalties were anti-black, then the meth penalties are anti-white. And they're absolutely -- were absolutely identical now. The meth penalties are much higher than they are for dealing crack --

01:21:03

Gloria Browne-Marshall:

I [unintelligible] you're making that up.

John Donovan:

I'm going to take a question from the gentleman in the center there with the -- your colorful sweater. I think I'm sort of giving a sense on how I needed this questions to be really terse and not a lot of setup. Just get to it.

Male Speaker:

My question is to the team for the motion. In a perfect world, what data would prove that racial bias is going away or is gone in other words, what would falsify your argument? Because it seems that the extent to which an argument is unfalsifiable, it's weak.

Gloria Browne-Marshall:

I think that's a very good question. There was an article last year that there has been a slight increase in the number of whites arrested. When we started looking -- and I know Heather doesn't like disproportionality, but when we start thinking about crimes and certain crimes committed by certain people at certain times, when we start looking at the reasonableness of crime and whether or not a person is arrested for what it is they're doing, the United States has 5 percent of the world's population and over 20 percent of those incarcerated.

01:22:08

The whole incarceration rate needs to come down, but at the same time we need to look at, are people who are committing the crimes actually getting arrested. When we start seeing in line not just these murder crimes, but all crimes across the board. Whites use drugs more than blacks yet the arrest rate for blacks is higher. That's what we're talking about. When you start talking about people getting arrested for doing the same thing other people are doing, if that starts going down, then I think that we're looking at a less racial bias in criminal justice and policing.

John Donovan:

Really excellent question. Thank you for that. I'm just -- sir, against the column there, yeah. Yeah, it's you. If you could stand up, please, thanks.

Male Speaker:

Yes. I'm just a citizen asking a question. This is --

Marq Claxton:

You're not just a citizen.

[Laughter]

01:23:00

Male Speaker:

-- directed toward the pro side of the argument. Getting back to the evidence, there's a preponderance of evidence that, in tactical training, for example, police respond to, for example, a black face popping up as more of a threat than a white face popping up. Given, you know, your argument has been based on the fact that blacks commit more crimes per capita than whites, fine. If we accept that, then isn't it also a fact that a citizen of a country should be judged equally when facing an officer of the law, regardless of what their ethnic or other definable group commits in terms of crime?

John Donovan:

That does sound like a rhetorical question. But I'm thinking Heather wants to answer it.

Male Speaker:

That's all right.

Gloria Browne-Marshall:

But you did say that we said that blacks commit more crimes?

Male Speaker:

No, I'm saying that given -- if you accept the fact that like blacks statistically commit more crimes per capita than whites, if you accept that fact, which is the fact that the pro argument is making, the fact is --

01:24:01

John Donovan:

When you say the pro, you mean this side.

Male Speaker:

Yes.

John Donovan:

That's the against side.

Gloria Browne-Marshall:

Yes.

Harry Stern

We seem so negative.

Male Speaker:

Excuse me. Sorry. You're very right. You're very right. The against -- the con side of the argument. Excuse me. Now we have to do it all over again.

John Donovan:

No, no. We can sort it out.

Male Speaker:

Again, my point. I --

John Donovan:

Okay. Let's let Heather MacDonald respond because she was turning to stir on that one. Go ahead, Heather.

Heather MacDonald:

Well, you're referring to this whole concept of implicit bias. And in fact, studies show that -- there's simulator studies where you have people having to make split-second decisions about shoot, don't shoot. And it's true, civilians who are not trained as police officers, do respond more quickly to black faces. Police officers do not. Four studies have come out this year alone that show that if there's a bias in police shootings, it actually works in favor of blacks. That's Lois James at Washington State University who put cops in simulator situations. They took longer to decide to shoot an armed black suspect and an armed white suspect and were less likely to shoot unarmed blacks and unarmed whites.

01:25:08

The Justice Department did a study of the Philadelphia Police Department that came out in March 2015 and found that black and Hispanic officers were more likely to shoot unarmed black suspects out of the misperception that they were carrying a gun than white officers.

John Donovan:

Let me --

Heather MacDonald:

But there's -- evidence, as strange as it is, because it is so contrary to everything that we've been taught about policing shows just the opposite, that --

John Donovan:

Marq Claxton to respond to that. Do you want to?

Marq Claxton:

Yeah. Just briefly. I think we're going to need a fact checker year.

Gloria Browne-Marshall:

Yeah, a fact checker!

Marq Claxton:

But the fact of the matter -- I think -- I mean, I -- I disagree. I disagree with what you've asserted here. I've just -- I've never seen any of that data that you mentioned.

John Donovan:

Is this new data? Is this quite new?

Heather MacDonald:

Roland Fryer this summer Harvard Economist, Ted Miller, Center for Policing Equity which is not exactly a pro-cop unit --

01:26:03

Marq Claxton:

I know Center for Police Equity.

Heather MacDonald:

-- found that it says again, that whites face a much greater chance of fatal police shootings following arrest.

John Donovan:

Heather, what year is the --

Heather MacDonald:

This year.

John Donovan:

This year, okay.

Heather MacDonald:

These are all this year. And Roland, James --

Marq Claxton:

You want to get an idea about bias? Just think to yourself how many times have you been walking down a street and then a young black man that walked up -- walking behind you, and you feel less safe, or you cross the street? How many times do you decide to be at the ATM and a young black guy comes, or an old black guy for that matter, and you just feel a little funny. How many times has that happened to you? So less than a -- these studies that you mention, I've never heard of. I find them to be counterintuitive. I'm not doubting you now, Heather, because I respect you. But for me, this is difficult to understand that type of data. So I --

John Donovan:

If you saw -- if you saw the studies, could you be persuaded on that point?

Marq Claxton:
The --

Gloria Browne-Marshall:
I would like to see the studies because I saw an interview Heather did, and none of these studies were mentioned.

01:27:02

So, maybe this is something you just recently learned about --

Harry Stern
[unintelligible]

Gloria Browne-Marshall:
-- but you know, I want to stay with policing is racially biased, and this is not, let's cut up Heather, because that's not what I want it to be about. But it's -- you know, this pulling things out of the air. But that's -- but here is the -- but --

John Donovan:
I don't think -- wait. I don't think it's fair to say that if she cited three or four studies that are recent --

John Donovan:
-- that she's pulling things out of the air.

Heather MacDonald:
-- pulling things out of the air.

Gloria Browne-Marshall:
And I -- but no, I'm just -- that's why I said I don't want this to be about --

Heather MacDonald:
This study got a lot of attention this --

Gloria Browne-Marshall:
No, this is not the Heather -- this is not the Heather show, and I'm not trying to make this about undermining Heather. That's not -- I want to go back to policing is racially biased and what Marq just said. This has happened not just for the young black person walking to the ATM. This happens to me walking to the ATM. This happens to me being stopped. No one sees when I'm walking or driving around that I'm a professor at a college, you know, and I write books.

01:28:02

What they see is the color of the skin. And decisions are made based on that. So, it goes back to that point of policing is racially biased when we are talking about how people make their decisions. We have to consider, based on our history, based on what we've learned over time, we think some people are more criminal than other people. And, you know, and what Heather is saying, it's not about where the color is, it's where the crime is.

John Donovan:

Okay. I want to remind you that we are in the question and answer section of this --

Gloria Browne-Marshall:

But that's not the case.

John Donovan:

-- intelligence -- I have to do this bit. I want to remind you that we are in the question-and-answer section of this Intelligence Squared U.S. debate. I'm John Donovan, your moderator. We have four debaters, two teams of two, debating this motion: Policing is racially biased. Sir? Yep, yep. It's you.

Male Speaker:

This is -- hi, I'm Peter. This is for the against side, or I think you're the --

01:29:02

John Donovan:

Yeah, [affirmative].

Male Speaker:

Okay. So how do you explain young African-American men being convicted for nonviolent crimes at a higher rate? Does violent crimes lead to more nonviolent crimes? Or is it more the police are already in the area to address violent crimes so they address the nonviolent ones too?

John Donovan:

Harry Stern?

Harry Stern

Okay. So, we need to titrate out -- are we talking about drug crimes, are we talking about --

Male Speaker:

Anti-violent crime, like --

Harry Stern

Violent, so violent crime.

Marq Claxton:
Nonviolent is the question.

Male Speaker:
[unintelligible] drugs and breaking and entering and all that stuff.

Harry Stern
All that stuff. So as far as "all that stuff," I haven't -- you'll have to refer me to the data that you're talking about.

John Donovan:
Okay. So, you're going to pass on that question? I just want to mention, we are going a little bit longer because of the snafu with the voting.

01:30:00

We'll probably run about six or seven minutes longer than we normally do and right down in the front here in the corner.

Female Speaker:
Hi. My name is Emily. I have a question about the school to prison pipeline for either side.

[Applause]

If we --

John Donovan:
Can I stop you first? Is this going to be --?

Female Speaker:
It'll be quick. No.

John Donovan:
Aside from quick, is it going to be related to police bias?

Female Speaker:
Yes. Yes.

John Donovan:
Policing bias. Okay.

Female Speaker:

If we take, as a premise, that people with prior police conduct are more likely to see more police conduct and more consequences for that conduct in the future, how are the role of school police and the possible biases implicit or explicit in school policing impact this question?

John Donovan:

Anybody want to take it?

Harry Stern

I will.

John Donovan:

Harry Stern.

Harry Stern

Quick anecdote again. Okay. They asked me once if I wanted to be the school police officer at Berkeley High School, and I said, "Let's just get this over with. Fire me, okay?"

01:31:01

I don't think that having police in schools is particularly helpful for anybody. Back when I was in high school, they had a system -- what they called para professionals. We called them narcs, but I think they did a much more effective job in bridging the gap between the students and the educational institution. I think having cops in schools is probably a bad idea unless they're called there to address violent crime.

John Donovan:

Gloria.

Gloria Browne-Marshall:

The school to prison pipeline, as pointed out, means that in the third-grade certain tests are given and if students do poorly on these tests because they haven't been taught well how to read and write, et cetera, then there's a decision made by certain corporations for private prisons and most state prisons have private prison parts to them, that they are going to be in adult prisons by the time they reach 18.

01:32:00

And that's why they call it the school to prison pipeline. That they're going to lose interest in school because they can't read properly and that they're going to get in trouble and end up in juvenile detention and then into adult prisons. They actually base the number of beds in adult prisons on how many children are failing their tests in the third and fourth grades. We have inadequate schooling, but that's not on the table today. That's also leading to some of the criminal behavior. We have inadequate summer programs so that students can get in trouble when they're young and they have lots of energy. And all of these things are leading to it. We

also had passed -- have recently passed in Missouri a law that allows primary school children to be handcuffed, where in most of the country we have public schools that are going to be majority minority schools. So, you're seeing a policy in which people believe that African Americans can take it. Young people can take more criminal punishment because they're just built that way.

01:33:03

And so, that sense of the school to prison pipeline is also part of the system of criminalizing black and brown people so that we end up with not a sense of fairness, but a sense that they were built with latent criminality and therefore it's not racial bias, it's data.

John Donovan:

Okay. Far in the back there. Yeah. Yeah. If you could stand up. Thanks.

Female Speaker:

Thank you. My name is [unintelligible]. Question for the for panel. Can you talk about the correlation between biased policing and the prison industrial complex as a correlation?

John Donovan:

The bias policing and the prison industrial complex.

Gloria Browne-Marshall:

The bias policing and the prison industrial complex.

Female Speaker:

Yes.

Gloria Browne-Marshall:

The prison industrial complex --

John Donovan:

I just want to -- I haven't heard from your sparky partner in quite a while.

Marq Claxton:

Well, I'm smart.

John Donovan:

Yeah.

[Laughter]

01:34:00

Marq Claxton:

Well, biased policing contributes to this prison industrial complex, you see, and it kind of correlates to what Gloria mentioned earlier about the school to prison pipeline. You see, if you prime people and you prepare them they go through stages. If you can get them accustomed to being, you know, increased police contact, et cetera, then they become primed for criminal -- criminality later on, or at least they're in somebody's database. So, biased policing, basically, is the methodology to get people into this prison pipeline to criminalize perhaps large segments of our society, black and brown people. It goes hand in hand. It is one.

Gloria Browne-Marshall:

Well, it also --

John Donovan:

We haven't heard --

Gloria Browne-Marshall:

-- prison industrial complex --

John Donovan:

Wait. Gloria. You've had a long run. We haven't heard from your opponent. I just want to give them an opportunity to jump in if you'd like to or you can pass.

Heather MacDonald:

I'm just, again --

John Donovan:

Heather Mac Donald.

Heather MacDonald:

We keep hearing about that we're arresting the wrong people or that there's somehow police are ignoring crime that's happening elsewhere.

01:35:02

So, we're going -- apparently, you're questioning homicide statistics. What about homicide victims? Again, according to the Justice Department, Bureau of Justice Statistics, blacks die of homicide at six times the rate of whites and Hispanics combined. That, to me, is the civil rights issue that we should be most concerned about. Do you think that that data is also incorrect, that somehow the police are just not looking at all those white homicide victims or the children of shootings? I thought it was appalling -- the Newtown police shooting -- the country went crazy because it was 20 white kids. You know, as much as one might think -- or as a conservative -- the police, the media is biased. The media actually ignores the overwhelming

majority of black victimization. There's black kids that are being killed to no apparent concern from the media. But let 20 white kids be gunned down, and this becomes a national crisis.

01:36:01

So, are you saying that there's somehow white victims that the police are ignoring, that is also part of the faulty statistics?

Gloria Browne-Marshall:

As someone who's lost a family member to gun violence, I don't take gun violence lightly. So, when we're having this conversation, this is very real to me. But I also understand something as a civil rights attorney. I understand that there is a difference in the way people are treated. What we have on the table today: Policing is racially biased. It doesn't mean that there are not black victims. There are. I know them. But what it does mean is that we have a system that's in place, historically, that has looked at black people based on a criminality that does not exist to the extent of which the other side is presenting it.

01:37:02

And it's allowing police officers to extend their power well beyond what is needed. I think that it's unfair to the black community. We want to have police protection. Please understand that. But if you come to help us and end up hurting us, then we fear the police.

John Donovan:

And that concludes Round 2 of this Intelligence Squared U.S. debate, where our motion is: Policing is racially biased.

[Applause]

And now we move on to Round 3. Round 3 will be brief closing statements by each debater in turn. Here making his closing statement in support of the motion that Policing is racially biased, Marq Claxton. He is Director of Public Relations and Political Affairs for the Law Enforcement Alliance, and is a retired New York Police Department detective.

Marq Claxton:

Thank you. And thank you for the opportunity to participate in this debate. Once again, I have to remind people that we're not debating "Is policing racist, is policing" -- anything other than racially biased.

01:38:08

And I read the definitions earlier. It's important, as you vote -- and as you vote yes -- that you keep in mind that we're voting on police being racially biased. And I think we have to be honest about certain things, and we have to acknowledge and accept our own biases, in whatever form they are. Each and every one of us has -- in this audience right now -- has a bias, some sort of

bias. So, it would be really just counterintuitive to assume that there is no bias in this large legal structure called policing. But I warn you -- and I encourage you to avoid being swooned by a lot of -- as I said, a truckload of data, a lot of 1 percent, and 3 percent, and 5 percent -- makes your eyes roll up in your head. I warn you not to use data as the rationale for accepting that policing is not racially biased.

01:39:06

I believe that we should use statistics and data -- and Mark Twain, I believe, said this -- we should use statistics and data as a drunk uses a light pole -- for support and not illumination.

[Laughter]

If you are looking for these answers based on statistics, and all of these conflicting data and sheets and -- you're going to be really lost in the sauce. It's important for us. Data also is important -- can be racially biased. It is us. We input the data into those machines. Heather spoke about comp-stat being a vitally important legal tool, a crime fighting tool. Well, guess who inputs the data into the comp-stat machines? Individuals who carry with them a certain bias, along with the systemic bias of the structure of policing.

01:40:00

Policing --

John Donovan:
Marq Claxton. I'm sorry.

Marq Claxton:
Vote yes.

John Donovan:
Your time is up. Thank you.

[Applause]

The motion, policing is racially biased, and here to make his closing statement against the motion, Harry Stern. He's managing principal for the law firm, Rains, Lucia, Stern, and a former Berkeley police officer.

Harry Stern

Yes, I am. So quickly, I am not going to fall into the rhetorical trap of trying to argue for slave patrols or anything else that's going to get a boo or a hiss from the audience as voters. But here's why statistics are important, and at the end of the day, we have to fall back at them -- to them. They're not susceptible to emotional interpretations, and that's how we have to make

policy decisions. I represent cops for a living. I was a cop. I love cops. I love black cops, I love woman cops, I love all cops. I feel for them. I love Marq too.

01:41:00

The -- I had an African-American cop in my office the other week, and -- I work in downtown San Francisco in the financial district. He told me that he was interested in getting into finance and was walking around and how uncomfortable it was for him because everybody was looking at him funny. And that was a black guy, a big black guy, he has to be extra nice to people. I almost cried when I heard that. It's horrible. But then as we discussed it further, he said, "Hey, I'm a cop in Oakland, and I know why. And the why is that black people commit a disproportionate number of violent crime, and that's as reported on the fly by victims. Here is the really important thing, the real danger of getting pulled off and drawn into discussions of the industrial prison complex and all that. If we're not actually focused on what the reasons are for the causes of crime, we're missing the boat, and we're missing a golden opportunity to actually fix things.

01:42:09

There's no question that disparity, including racism, causes these problems. But until we're actually able to have a face-to-face real conversation about what's really going on with crime, it's going to continue, or we're going to keep talking about it --

John Donovan:

Harry Sterns, we've got to cut you off. Your time is up.

Harry Stern

Thank you.

John Donovan:

Thank you very much.

[Applause]

The motion is: Policing is racially biased. And here making her statement in support of the motion, her closing statement, Gloria Browne-Marshall, associate professor of Constitutional law at John Jay College and civil rights attorney.

Gloria Browne-Marshall:

Thank you, Harry, for voting for our side.

Harry Stern

I do vote, actually, for my side.

Gloria Browne-Marshall:

Policing is racially biased. White people overall commit more crimes. The other side has pointed to certain very specific areas in which there is a spike in black crime.

01:43:02

But overall, whites in America commit more crimes because there are more white people in this country. So, if you still don't believe it, I want to tell you this. And this is from a quote from John Ehrlichman who was the adviser to Richard Nixon in 1968. He said, and I quote, "You understand what I'm saying. We couldn't make it illegal to be either against the war or black. But by getting the public to associate the hippies with marijuana and blacks with heroin and then criminalizing both heavily, we could disrupt those communities," Ehrlichman said. "We could arrest their leaders, raid their homes, break up their meetings and vilify them night after night on the evening news. Did we know we were lying about the drugs? Of course, we did," end quote. So, don't be so alarmed. Not only has history, law, and practice shown that race is a part of our policing and that policing is racially biased.

01:44:03

The media has fed to us since 1968, at the end of the civil rights movement, the vilification of blacks to make it appear as though we were the only criminals out there, so that when people say, "Blacks commit more crimes," so many folks want to believe it. And police policy is then driven by that. Funding is then given for it, and then we end up in 2017, as was pointed out, trying to figure out how we deescalate this situation. Policing is racially biased. We could all, based on being here today, do our part about it. Thank you.

John Donvan:

Thank you, Gloria Browne-Marshall.

[Applause]

And I congratulate you on being perfectly timed. That was perfect. The motion again: Policing is racially biased. And here making her closing statement against the motion, Heather MacDonald, a fellow at the Manhattan Institute and author of "The War on Cops."

01:45:03

Heather MacDonald:

Last year, over 4300 people were shot in Chicago. That's one person every two hours. The victims included a three-year-old boy shot on Father's Day who's now paralyzed for life, an eight-year-old girl playing outside of her grandmother's house who was shot in the lung and back, and a 71-year-old man who was watering his lawn and refused to hand over his wallet to a teen robber. Almost all the Chicago victims were black. If you believe the Black Lives Matter narrative, you'd assume that a significant portion of those victims had been shot by cops. In

fact, the Chicago police shot 25 people last year, virtually all armed or dangerous. That's .6 percent of the total. Virtually everything the public thinks it knows about policing from the Black Lives Matter movement is false. A police officer is 18 1/2 times more likely to be killed by a male than an unarmed black male is to be killed -- is likely to be killed by a police officer.

01:46:03

But the policing is racist narrative is not just false, it's dangerous. Violent crime has been rising over the last two years as cops back off of proactive policing under the relentless charge that it is racist. Over 900 additional black males were murdered in 2015 compared to 2014. The toll in 2016 was likely higher still. Attacks on officers are also rising. Gun murders of police officers rose 50 percent last year. By all means, let us improve police tactics and communications. But the cops who are in minority neighborhoods, so that their inhabitants can live free from fear and violence. Proactive policing is not racially biased. It is a civil rights imperative. Vote no on the resolution. Thank you.

John Donovan:

Thank you, Heather MacDonald.

[Applause]

And that concludes round three of this Intelligence Squared U.S. debate, where our motion is, Policing is racially biased.

01:47:05

And now it's time to learn which side you feel has argued the best. We're going to ask you to go again to the key pads at your seat. What I'm told is that we think that the problem before was Wi-Fi interference in the room and that the solution, we believe, is to hold down the button for two to three seconds before you let go so that the Wi-Fi wizards can record this correctly. I was just told something I don't understand.

01:48:00

Me? Has everyone voted? No? And the reason is not indecision, but technical? It looks like everybody's voted now, right? Okay. All right. We're going to have the results, I think, assuming no glitches, in about a minute and a half. While we're waiting for that, I want to say this. I said at the beginning that this is a tough conversation to have.

Harry Stern

I think I said that.

John Donovan:

Yeah.

[Laughter]

I think everybody feels that and agrees to it. That said, I think with the help of these four debaters, the civil attendance that everyone in this audience gave them, the great questions that came up, they moved the thing into more interesting places. And that includes the questions that I didn't take. No disrespect meant for that. I appreciate everybody who got up and asked a question. On the whole, I think that tonight you all helped Intelligence Squared do what it is we want to do, which is bring civil discourse to tough conversations.

01:49:05

So, I want to thank all of you for the spirit in which you came off on the stage.

[Applause]

I know we have a lot of newcomers tonight. We're doing this every month, roughly every month, with the summers off. I'm going to talk a little bit about what's coming up. But I want to mention first that Intelligence Squared U.S. is a nonprofit organization. We survive -- able to put these on and to grow not just through ticket sales, but very, very significantly from the support of many individuals who help us produce these debates. Tonight, I want to give a special thanks to the Alexander J. Gerstenhaber Education Fund which helped us tonight sponsor some student groups that are in the audience. Where are you guys? Upstairs?

[Applause]

Yeah? You're in the balcony. You're allowed to come downstairs. That's not the kids table, so next time come on downstairs.

01:50:02

But it's a newly created initiative on our part to help bring more school-aged students to our live audience. So, I want to thank, again, the support that made that possible. For those who would like to make a donation you can go to our IQ2 US app or visit our website iq2us.org. Upcoming debates, February 1st we are going to be in Washington, D.C. That night, the motion will be: Give Trump a Chance.

[Laughter]

On February 8th, we'll be back here at the Kaufmann. The motion will be: The Special U.S. Saudi Relationship has Outlived Its Usefulness. This spring, our debate topics will also include charter schools. We'll be talking about the universal basic income. We'll be talking about the role of Walmart in U.S. society. Has anybody in this room ever not been in a Walmart? Yeah, we're in New York, so a lot of hands go up. Okay. And in June we're going to be in San

Francisco and we're doing a debate looking at tech companies and what happens when the federal government tries to force them to yield customer data.

01:51:07

Tickets for all of these debates are available right now through our website. I want to let you know that we've been livestreaming tonight, so that's one way to catch our debates in addition to coming here live, but you can go to our website, which is quite lively now. It's iq2us and you can join these debates. You can watch and listen to podcasts. You can comment. The membership is free so if you set up an account there we sort of, you know, keep a watch on who's commenting and participating and people end up being able to earn an IQ2 score that we give you, and so there's already sort of a competition among people wanting to prove that they are the best debaters and the smartest people and the best listeners and that kind of thing and it's kind of fun. So, I recommend that you go there. You can watch all of our debates now on demand on our apps on Roku and on Apple TV, so you can pull those down.

01:52:00

And again, as I mentioned, we're a radio broadcast. You can listen to us on radio, NPR, and other public radio stations across the country and follow us on Twitter and Facebook. So, we welcome your feedback and your topic ideas. So, we are waiting for -- usually by this time I have a piece of paper in my hand and I don't have to dance, but now here I come. No.

[Laughter]

I just -- you want to see me dance? Believe me, you don't.

[Laughter]

Here we go. Okay. All right. I have the final results now. Again, the motion is this: Policing is Racially Biased. Reminding you, you voted twice, once before and one after. Victory goes to the team whose numbers have moved the most upward from the first to the second vote in percentage. Let's look at the first vote. In the first vote, 57 percent of you agreed with the motion that Policing is Racially Biased, 16 percent were against, and 27 percent were undecided.

01:53:00

Those are the first results. In the second vote, the team arguing for the motion: Policing is racially biased, their first vote was 57 percent, their second vote they went up to 60 percent. They picked up three percentage points. That is the number to beat. The team arguing against the motion, their first vote was 16 percent, their second vote was 28 percent. That means they went up 12 percent. That means the team arguing against the motion: Policing is racially biased, has won this debate by our rules. Our congratulations to

them. Thank you from me, John Donovan, and Intelligence Squared U.S. We'll see you next time.

[Applause]

[end of transcript]