Learning to Live with Crime

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Published by The Ohio State University Press

Wilson, Christopher P.
Learning to Live with Crime: American Crime Narrative in the Neoconservative Turn.
The Ohio State University Press, 2010.
Project MUSE. muse.jhu.edu/book/24301.

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I.

This is an interdisciplinary study of the contemporary war on crime, and how that war has made its way into cultural representation and public consciousness. In particular, it is about the real-world tactics of this campaign—strategies that, surprisingly, have not often occupied much space in our cultural and literary criticism. Over the last three decades we’ve seen an explosion of critical interest in crime narratives of all kinds: superb examinations of sensational serial killer stories, of fictional Godfathers and real Sopranos watchers, of noir and neo-noir private detectives. And yet, despite these scholarly investigations, what is striking is how comparatively infrequently critical attention has been paid to representations of the much of our crime problem is rooted in the structure of American society and culture. However, knowing this does not provide much help in formulating a realistic crime policy. A democratic crime policy, relying as it does on the lawful use of force modified by discretion, can neither alter the social structure nor reform criminals. Most of what it can do well is very traditional and unexciting. It can defend social tranquility and protect citizens by deterring crime, preventing crime, and apprehending offenders. It can restrain for some time offenders who are likely to repeat their transgressions. No doubt, when these functions are not performed well, our crime problem is much worse. But criminal activity is likely to remain relatively high in the United States in the foreseeable future, regardless of the wisdom of crime policy.


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—A character in Alice Sebold’s The Lovely Bones (2002)

Introduction

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I.

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less sensational dimensions of the war on crime. With our eye on the fears and phantoms of our “culture of crime,” we pay relatively less attention to writing that wrestles with what is happening in our police interrogation rooms, our precinct houses, or even our prisons.

This subject is, nevertheless, a battlefield with many fronts. For example, what happens when a journalist from New York magazine approaches the campaign against organized crime not through the romantic depiction of Godfathers but through a low-level, workaday mechanic who informs on his mob? Why is it that interrogation scenes became central to some prime-time police melodramas in the 1990s—and what role did everyday police practices have in shaping those scenes? What is behind the recent fascination with cold case homicides—murder cases reopened years and even decades after their occurrence—to the point that such cases populate everything from American prime time to elite magazines like The New Yorker? And more importantly, what do these different trends have in common, and what do they tell us about the larger contours of political authority and consent in our era? About how recent changes in criminal justice and law enforcement have affected core American ideas about citizenship, criminal accountability, and state authority?

My approach to these questions is historical, and my governing argument is easily stated. By focusing largely on political rhetoric, partisan battles, and legislative action, most studies of the war on crime point to a generalized climate of fear created by a moralistic, conservative mood swing in American politics and society. I argue, however, that this emphasis has largely caused us to overlook more continuous developments in the “micropolitics” of law enforcement that often worked beneath the radar of the superheated and often polarized public debate. By referring to the “micropolitical,” I mean to identify a series of subtle changes in on-the-ground law enforcement tactics and criminal justice methods—the tools police and others use in everyday crime control—that worked not to implement moral or classically conservative approaches at all. Rather, as my title suggests, these strategies reflected the desire to accommodate the justice system to what was assumed to be crime’s pervasiveness and inevitability. On the ground, the idea was therefore not simply to fight crime, but to manage its perpetual risks to citizens, to incorporate its knowledge through intelligence gathering, and even, at its worst, to mimic crime’s own operations. In this light, the familiar conservative rhetoric of moral uprightness, personal responsibility, and zero tolerance was more like a cover story, shielding more pragmatic practices that altered everyday procedures on the street, in police stations, in courtrooms, and elsewhere. In
turn, recent crime narratives suggest, these tactics were often aimed at a remodeling of public consent. Time and again, citizens were directed to see crime not as accessible to broad-scale state solutions but as a risk of modern living. In a mournful phrase that has resonated throughout recent decades, citizens have been directed to “learn to live” with crime.¹

The traces of this crucial refashioning of consent can be found in how this war entered into the realm of crime writing. Because new crime-fighting tactics fundamentally reshaped the flow of information around criminal justice, they inevitably altered the business of storytelling as well. Thus, my title *Learning to Live with Crime* also refers to a range of adjustments in those writing practices: how writers came to terms with the new prominence of criminal informants in combating organized crime; how the retooling of deception in police interrogations set the stage for TV series like *NYPD Blue*; how a revived rationale for prisons changed what exposés could or could not reveal about them. Many of the stories I discuss have certainly grabbed prime-time audiences or sensational headlines. Yet many of these same stories originated in the everyday realities of police tactics, in the smaller-scale practices through which, as Jonathan Simon has so eloquently argued, crime intersects with matters of governance.² It is at this level where we see that small adjustments in policing or prosecution or punishment achieve what might be called a “specific gravity,” an importance out of proportion to their seemingly local or instrumental status.³ We must turn our eye toward such institutional practices and their deceptively mundane outcomes. This is not a book, then, that travels along the more recent paths of literary and cultural criticism. It is inspired, instead, by the lamentable twist that the last forty years have put upon the old Birmingham School maxim: that much of the most fundamental work of culture and power happens at the level of the everyday and the ordinary.⁴

II.

Many readers are already familiar with the general history of the recent war on crime. Starting in the mid-1960s, the story goes, American politicians responded to public concerns about ever-expanding street and drug disorder by ratcheting up a series of measures designed to “get tough” on crime: the expansion of police powers; the increasing of crime penalties (eventually, the creation of mandatory-minimum sentences and “three-strikes” provisions); and the funding of the unprecedented growth of our
prison system. Over these decades, the war on crime would become the linchpin of a broader, moralistic, conservative backlash in American politics and society. Advocates of this campaign spoke of the need for “zero tolerance”—by which they meant, variously, the need for moral rectitude from police and community leaders; the need to vigorously enforce laws and community standards against even petty crimes and antisocial behavior; and the need to eliminate or constrain judicial discretion, to allow for tougher sentencing. Most historical studies connect the ever-more fearful tone of media in this period to this general climate of conservative reaction. Conversely, images of police permeated popular culture: in crime news, in prime-time melodrama, in True Crime exposés and in new phenomena like “cop TV.”

With good reason, historians, criminologists, and media critics have commonly described the war on crime as part of a broader American political disenchantment with liberal, root-cause approaches to social problems. Following the civil unrest of the 1960s, as Stuart Scheingold, Frank Weed, Michael Flamm, and others have shown so well, a reaction arose against the perceived failures of the Great Society. There was a widespread public disaffection with liberal solutions, a disenchantment fueled by civil conflict, racial disorder, and police riots. Citizens came to distrust both government intrusion generally and the financial burdens its programs often entailed. Feeding off the rising causes of tax revolt, economic deregulation, and welfare reform, the call for “law and order” reshaped much of the American approach to crime. The concern over crime contributed, for instance, to the Supreme Court’s loosening of controls on police conduct; to erosions in protections against preventive bail (bail too high for a defendant to possibly pay); to the expansion of legal rationales for probable cause, like the “totality of circumstances” test for police misconduct (e.g., Illinois v. Gates, 1983); to the emergent practice of criminal profiling, first tried in airport security in 1969, and to nab drug couriers in 1974. Meanwhile, the defunding of the safety net, along with the use of federal block grants, often channeled law-and-order money to states and to citizen’s initiatives and victims’ rights groups. This strategy led to several states passing victims’ rights bills and to national legislation like the Reagan-sponsored Federal Victims of Crime Act (VOCA) of 1984, which established compensation funds for crime victims, partly from fees collected from criminals. Neoliberals like Bill Clinton or Mario Cuomo quickly accommodated themselves to the new climate by supporting, variously, the death penalty, mandatory drug sentences, and prison expansion. By the passage of Clinton’s Violent Crime Control and Law Enforcement
Act in 1994, as Samuel Walker summarizes the standard view, “for all practical purposes the traditional liberal-conservative dichotomy of criminal justice policy” had all but “disappeared.”

These changes were especially apparent in metropolitan police departments. The day was dominated by what was characterized as “back to basics,” order-maintenance policing: the idea, made famous in James Q. Wilson and George L. Kelling’s “Broken Windows” essay (1977), that police could work to restore the informal social control of neighborhoods by encouraging their cooperation and vigilance. Whereas earlier police tactics had stressed a rapid response to citizen requests, the new philosophy of “community policing” emphasized beat patrol again. It also called upon the responsibility of citizens themselves to order their neighborhoods and to tacitly accept extra-legal assertions of force by police. In the 1990s, as I discuss in my second and third chapters, an aggressive crime-busting approach was reinvigorated by the arrival of computer-assisted crime analysis, often through CompStat, a management tool that used Geographic Information Systems software to chart outbreaks of crime and disorder. Police now used teams of managers and officers to literally map not only major crimes but also what became known as “quality of life” disruptions—thereby, supposedly, to better direct crime-fighting resources. Private security, meanwhile, also experienced unprecedented growth in these decades, in part because public officials looked for partners in policing the everyday.

To be sure, not all of these experiments or philosophies reflected an American consensus; nor did they always put U.S. law enforcement on the same page. But as “law and order” became what Malcolm Feeley rightly calls a “master theme” (125) of political debate in these decades, crime control now became described (along with national defense) as the one area of the budget where spending could not be sacrificed. By the turn of the twenty-first century, combating crime had become fully entrenched in American life. Summarizing the views of his frequent coauthor Simon, Feeley describes the new shape of the argument taking hold:

... as the salience of other social policies recedes, crime control takes not only a larger share of the public pie, it also takes on greater public salience ... concern with crime permeates all walks of public life. ... If crime control is a core function of government and if crime is a major social problem, it must be pursued everywhere: schools must be safe to the point that they are turned into custodial institutions; welfare must be so averse to fraud that recipients should be treated as potential criminal
suspects; drugs are so ubiquitous and so closely connected with crime that mandatory drug tests should be expanded indefinitely; the public square must be so safe that it is relocated into the enclosed (and privately owned) shopping mall. . . . Crime policy is the one area government cannot completely cede. If there is one area where government must act, it is maintaining law and order. . . . Thus it is not surprising to find other policies defining themselves and being redefined in terms of criminal justice goals. (125)

Politicians and polemicists alike repeatedly counseled the public to accept limits on the state’s authority and to understand that enduring solutions to crime’s expansion were unlikely. Crime and disorder, they reasoned, were inevitable features of modern life.

And finally, media criticism on the social construction of crime generally follows suit from this story of political disenchantment and conservative backlash. As Robert Reiner has observed, this body of criticism (on both sides of the Atlantic) often tells a strikingly similar, if dismal, story. Studies have repeatedly shown that the media’s representation of the crime rate, and thus public fears, accelerate far beyond crime’s actual occurrence; that the media is enamored with violence and street disorder at the expense of property and white-collar crime; and that it commonly sides with innocent victims, colors its criminals with little regard to statistical accuracy, and demonizes young criminals into predatory, irrational psychopaths who are threats to middle-class security (rather than to themselves). Police, conversely, overpopulate our airwaves and are drawn up as heroic crime busters even though study after study shows police work is largely regulatory, informal, and administrative in character. Communications theorists and criminologists will debate whether “the media” should be aggregated in such a broad portrait; scholars differ as to how a citizen’s everyday experience, or his or her class or race or gender, filters or selects from these images of crime, and how long-lasting their effects are; analysts disagree whether media effects should be called “agenda-setting,” “priming,” or the “cultivating” of attitudes toward crime.9 But few would disagree that what once were periodic moral panics about crime now seem more like a permanent state of affairs. Even when crime rates drop or level off, the din in cultural storytelling persists. In the world of fear and moral panic, “crime pays” in prime time, or so the common lament in media studies would have it.10
That, in my perhaps too-brutal simplification, is the historical outline concerning the recent war on crime. It is a portrait that stems from a heartfelt concern among many scholars about this war and its devastating costs to our communities. From our studies of the media and contemporary crime, we cannot help but learn how the desire for order feeds upon itself relentlessly, outpacing and sometimes contradicting actual crime rates; how (as Elayne Rapping has shown especially well) the thirst for “reality” programming only reinforces sensational, melodramatic conventions that foreground the victim’s suffering at the expense of legal balance; and how the ongoing “C.S.I. effect” may rebound back upon the judgments of juries and absurd public estimates of police effectiveness. Several important studies have also shown us the earlier history of our contemporary war—how it has responded to shifting political winds and how it continues to shape our cultural apprehension (in both senses of the word). There is also, as Stephen Brauer has helpfully pointed out, a long line of criticism in which Learning to Live with Crime participates, a tradition that looks beyond describing genre formulae to how social and political attitudes are encoded in stories about crime. Because they often engage so many layers of citizen and state action, crime stories necessarily negotiate readers’ ideas about the boundaries between public and private spheres, between local and federal governance, and between popular and elite authority.

However, it also must be said that, despite the work above, the particulars of our recent war on crime too rarely make their way into academic criticism on crime narrative. Instead, with the notable exception of studies on organized crime, scholarship on crime narrative tends to be dominated by more sensational matters: the unpacking of the psychosocial mechanics of public fear in True Crime and serial killer narratives; the decoding of the intricate dimensions of social hierarchy around race, ethnicity, and gender in detective fiction; and resolutely (and rightly) demonstrating the literary sophistication of popular texts too long neglected by traditional critical approaches. Vitally important as these approaches are, the details of the war on crime usually appear as little more as a backdrop, while nonfictional texts—or, more broadly, texts that make a truth claim of the kind I examine in this book—necessarily take a back seat as well. Meanwhile, there is usually little interest, among literary or film critics, in the inner or everyday dimensions of crime’s management that I focus on here.
Indeed, because of the general scholarly skepticism about the representational fidelity of many forms of crime narrative, there seems to be little interest in getting closer to these everyday matters by crossing disciplinary boundaries. For all the heralding of interdisciplinary work in literary and cultural criticism, there has actually been little consulting of some of the more recent debates in American, British, and Canadian criminology. This is, I think, a real loss. Some of our most provocative scholars—Scheingold, Simon and Feeley, Richard Ericson and Kevin Haggerty, David Garland, Richard A. Leo, Ian Loader, Gary T. Marx, Jerome Skolnick, and Elizabeth Stanko, to name but a few—work quite decisively in a narrative and cultural vein, deciphering what crime and its control asks of us.

More to the point, these scholars have developed a more particularistic and grounded account of the history we think we know. By and large, many of our histories of the war on crime have been driven by what we might call “macropolitical” concerns: by attention to the large-scale redirection of economic, social, and political resources since the mid-1960s, and the policy decisions stemming from a period of right-wing recoil and public fear. On the left, this era has often been characterized as one of structural economic and political crisis, a view shared by many of the scholars I list above. But instead of focusing exclusively on these themes, the thinkers above also take up less-often-recognized topics like the rise of victims’ rights, the place of private security, or the role of what are often termed the “actuarial” approaches of “risk management” policing—that is, methods that extrapolate from past crimes to predict future ones, with the aim of reducing the risk of crime rather than simply reacting to it.

Instead of capitulating in the face of the mythology of the state’s powerlessness, these scholars look at the retooling of the state’s reach at the private, local, and everyday level. Instead of thinking dichotomously about the public or private dimensions of crime control, they recognize that the signature of today’s crime-control markets is the blurring of such boundaries. I would be perfectly content if the sole effect of my work was simply to make this set of scholarly approaches better known among non-specialist audiences than it apparently is at present.

The central portrait provided by this body of work has been crucial to my own rendering of what I call “the neoconservative turn”: a sea change in law enforcement and criminal justice methods, extending over the past four and a half decades, that combines back-to-basics order-management with new technologies of risk and control. I have retained the prefix “neo-” to remind us that, in the strategic semantics of neoconservatives like Wilson and Kelling, William Ker Muir Jr., Robert Rhodes, and others,
perhaps the most fundamental claim—as reflected in my epigraph from Rhodes—was not, at first blush, ideological. Rather, it was the separation of structural or “root-cause” explanations from the supposedly practical and more urgent realm of policymaking. Such a separation did not only brush aside liberal environmentalism; it also trumped political-science explanation over the sociological and allowed neoconservatives to claim that even if their (old liberal) heart felt otherwise, broad-scale governmental solutions were beyond the current political will of the electorate. The neoconservative turn thus claimed at once to be democratic and yet victim-centered, fatalistically realistic about the intransigence of crime and yet vigilant about social disorder, willfully managerial about “the quality of life” and thus intent upon testable, real-world tactics. To contest such assumptions, in fact, I myself have chosen to respond in kind. That is, rather than tell the familiar story of the war on crime through partisan politics or a generalized public fear, I have chosen to challenge neoconservatism on its own grounds: to start with the micropolitical tactics that this “war” has generated, with those smaller-scale points of contact where law enforcement impacts directly upon its supposed object (criminality), though the citizen is never far from its effects.

Many readers will doubtless associate the term *micropolitical* exclusively with the work of Michel Foucault and his well-known exhortation that we need to study power where it “implants itself and produces its real effects” upon specific and locatable subjects. However, it is more accurate to say that I have been inspired by the broader array of scholarship to which I allude above and to the range of small-scale tactics it has described. Again, as Jonathan Simon has articulated especially well, an altered sense of scale has been fundamental to crime management in the waning years of the welfare state. New Deal and Great Society “programs like unemployment insurance, worker’s compensation, and the like,” Simon writes, “were about harnessing insurance and related technologies to balance the risks produced by industrial society with the very scale that seemed the source of much of that risk.” But of late, Simon adds, “[recent] techniques reemphasize the individual as a critical manager of risk, but do so through deliberate steering mechanisms rather than the threats and exhortations of traditional liberalism. . . . The new strategies aim to hold individuals more accountable, or to ‘responsibilize’ them, as some observers have aptly described it.” Central to this meaning of the micropolitical is the idea that small-scale, preemptive, and often personalized risk management tactics for fighting crime have insinuated themselves into the larger macroeconomic and political transformation, installing *practices*
(instead of simply policies) that might outlive their original political justification. But as a result, these tactics have often flown under the radar of our cultural criticism. Meanwhile, whether in a police interrogation room, in a mall, in airports, or most famously, in Disneyland, they have been integrated into the everyday, designed “to minimize harmful actions (accidental or otherwise) while at the same time minimizing any appearance of coercive social control.” These days, as Garland has observed, it seems as if “the threat of crime has become a routine part of modern consciousness, an everyday risk to be assessed and managed in much the same way that we deal with road traffic.”

The list of these tactics is, of course, a long one; in the chapters that follow, I will touch briefly on techniques, like warrant squads or airport profiling or DNA testing, that doubtless deserve more extensive attention than I can offer. I have instead selected five tactics that have been especially important to the neoconservative turn: the accelerating use of criminal informants, notably but not exclusively in the war on organized crime; the sanctioning of police deception in interrogation, a trend less prominent but perhaps more telling than the sensational “third degree” or physical brutality; the arrival of cold case homicide squads and related changes regarding victims’ rights; the expansion of private security and personal risk management; and finally, the neoconservative rationale of prison incapacitation, the idea that prison is not only punishment or retribution but a strategy of crime control itself.

To some readers, no doubt, my approach will seem too piecemeal; to others, it may be too neglectful of the ideological and political forces working at the macro level. We are understandably more accustomed to thinking in grander terms of a “prison-industrial complex” than, say, the small space of a visitor’s room at a prison; more accustomed to quantifying and aggregating violent episodes on prime-time TV than examining the thresholds of one series’ interrogation rooms. Yet my hope is that we gain something, as well, by taking our eye, momentarily, off ideology so as to examine material effects; by moving beyond policy debates to how policies are actually practiced; by reexamining conservative nostalgia and finding, within it, disturbing future-mindedness. I do not mean to displace more macro accounts so much as complement and complicate them. Indeed, I simply mean to follow the lead of those social theorists listed above, who suggest that citizens may actually move among differential institutional orders, though politicians and cultural commentators alike more customarily speak of a singular one.

In the chapters that follow, I move across these different orders. My
first, for example, begins with the history of the post-1960s campaign against organized crime as it was shaped by Robert Kennedy’s Department of Justice. As I’ve suggested, this chapter centers on the tool of criminal informants, a tactic most famously exemplified by the recruitment of Mafia informer Joseph Valachi. Here, I argue that by deploying what became officially stamped as Witness Protection, Kennedy’s campaign provided several strategic templates for the broader war on crime. I then reexamine the place of informant narratives in the journalistic representation of organized crime, a story culminating with the best-selling crime narrative by Nicholas Pileggi, *Wise Guy: Life in a Mafia Family* (1986), the basis for Martin Scorsese’s *GoodFellas* (1990). In chapter 2, I examine the new centrality, in the decades since *Miranda v. Arizona* (1966), of strategic deception in police interrogations, a trend that began to be picked up by prime-time police melodramas in the 1990s. Specifically, I examine the path-breaking creative partnership behind the series *NYPD Blue*, arguing that this partnership (between writer David Milch and NYPD detective Bill Clark) provides a window into the broader post-liberal accommodation with police authority. Chapter 3 describes the recent establishment of cold case homicide squads as they intersect with two other trends of the neoconservative turn: the rising influence of victims’ rights and the broadly based trend toward extending legal statutes of limitations. I examine how these squads have entered into popular representation in crime news and in one instance of creative nonfiction, a book by journalist Philip Gourevitch.

Although these first three chapters focus largely on public policing and investigation, a complementary theme emerges at this book’s midpoint. In the era of supposedly diminishing resources, metropolitan policing often retooled its relationship to citizens around a public-private model. As I show in chapter 3, this model is one in which a cop, much like a wartime soldier, fulfills his duty by implementing the private will of crime victims. Reciprocally, as the state has ratcheted up its powers, citizens have turned to private security, encouraged to meld public vigilance with their consumer habits. I thus pivot, in chapter 4, to the realm of private risk management, specifically to the case of Frank W. Abagnale Jr., the infamous juvenile “Skywayman,” counterfeiter, and identity fraud who became the hero of Stephen Spielberg’s *Catch Me If You Can* (2002). Through examining journalist Stan Redding’s original book-length depiction of Abagnale’s life, I explore the suffusion of consumerist and risk logic into modern security. And my concluding fifth chapter examines the effects of the prison boom, privatization, and secrecy on a recent group of journalistic exposés,
measuring how they have come to terms with the neoconservative emphasis on incapacitation and control. I then examine two nonfictional renderings of these themes: an account by undercover journalist Ted Conover, his prize-winning *Newjack* (2000), and the memoir *Brothers and Keepers* (1984), composed by John Edgar Wideman and his brother, a young man cast into prison virtually right at the high (or low) point of the political turn my book describes.

IV.

What else does this grounding in everyday, material tactics of crime control show us? For one thing, it might bring together discussions of crime and its representation in criminology, history, media criticism, and literary studies that are too often talking past each other. Employing a more materialist approach might also help us rethink the largely discursive and ideological frameworks within which so much of contemporary crime criticism works. What is sorely needed, in my view, is a cultural-critical history that connects the actual conditions of fighting crime with the everyday problems of writing about it.

We might also achieve a greater sense of how different dimensions of crime fighting play off one another. No one doubts that street disorder and drugs were the central fronts in the crime war; I hope my own work in the past testifies to that. But to grasp the wider scope of the neoconservative turn, we need to pay better attention to other fronts that fed into and out of this central one. For example, we can rediscover how tactics in fighting the drug war were instituted in the war on organized crime. Or, as I suggest in chapter 3, we can learn how the idea of lengthening statutes of limitations on some crimes (such as Mafia conspiracies) might affect the approach to other crimes (for example, child abuse). We likewise need to understand more clearly the relationship of policing white-collar crimes (such as identity theft) to tactics dealing with street crime; for example, how seeing the citizen as a “consumer” of security reshaped both public policing and private security. Neoconservatives, for example, often advocated the expansion of so-called victimization surveys, an initiative of think tanks in the 1970s. Rather than relying on police departments’ official crime rates, many now argued, citizens should be polled for their own memories of having been victims of crime. Not surprisingly, those surveys tended to suggest crime rates were much higher than previously thought; they also suggested there was widespread distrust of the crimi-
nal justice system. As a result, they lent themselves easily to the causes of judicial “reform,” of raising crime penalties, and redesigning private security around citizen habits and perceptions. In this same way, actuarial risk thinking cut across many different practices: predicting “high crime” areas, organizing police manpower with CompStat, even prison incapacitation, which was aimed at “repeat” offenders especially. Even the tactic of witness protection, emerging formally from the Racketeer Influenced and Corrupt Organizations Act of 1970, had an intuitive actuarial logic behind it. (The best source on any future crime, in other words, would ostensibly be a criminal who had already committed one.)

We also discover that, far from being solely driven by conservative ideology, these tactics could be embraced by crime fighters (and citizens) of different political persuasions. That there has been popular disenchantment with liberal programs and ideology, there can be little doubt. But it is a different matter to argue that U.S. politicians on the Right cultivated that disenchantment into a solidly “conservative” ideological platform—which is largely what Flamm and others have shown—than to say that disenchantment was “conservative” itself, either in origin or in its implementation. Rather, the deeper story of the neoconservative turn, as Scheingold has written, is that crime control came to “transcend the familiar struggle between liberal and conservative policies.” To put this another way, public attitudes about crime in this era necessarily came to reflect both ideological preferences and what are sometimes called “pre-political” values: cultural beliefs and attitudes about work, neighborhood, personal responsibility, and even pleasure. On the ground, meanwhile, crime strategies themselves could not so easily be given a political, much less ideological, label. Indeed, the classical notion of a conservative as someone who wants to limit state authority, firm up society’s moral foundations, and restore regularity to criminal justice had soon become, in my view, an inapt designation. On the contrary, as writers like Sheldon Wolin argued for some time, “the complexity of the current situation lies in the paradox” that, in recent years, state power has often been enhanced by those who “publicly professed an abhorrence of [it].” Many experiments in public-private cooperation in crime control often augment governmental authority while only seeming to supplant it. As scholars such as Stanko, Loader, and Gary T. Marx have shown, the “only you” refrain of neocorporatism often rhetorically reinforced the theme of state powerlessness, but in fact extended the reach of surveillance and crime control to new venues.

Even the chronology of the war on crime suggests a need to revisit our impulse to fall back on the story of partisan politics. Interpreters of Robert
Kennedy’s pivotal influence on criminal justice, for example, might prefer to emphasize his support of liberal programs that looked to poverty and inequality as root causes of crime, an approach carried on by figures like Ramsey Clark, the attorney general who would be pilloried by Richard Nixon in the presidential campaign of 1968. In these historical renderings, RFK is remembered through his quite pronounced antagonism to crime busters like J. Edgar Hoover. Yet I mean to show that, in retrospect, it would be RFK’s campaign against organized crime that proved to have more enduring aftereffects in the larger war. That campaign also installed tactics more continuous with Hoover than we often appreciate. Thus was it not quite so simple as saying that liberals were “late comers” to the crime-control party. As Feeley and Simon have shown, one key liberal institution, the Law Enforcement Assistance Administration (LEAA) of the late 1960s, had been one of the earliest to apply game theory and risk management strategies to the war on crime. It was also liberals who first applied actuarial “predictors” to procedures like administrative bail reform. Likewise, studies by the RAND Corporation Habitual Criminals Program—the name itself is telling—had begun, in the 1970s, to reverse earlier skepticism about the negligible crime-control impact of prison incapacitation. As Joan Didion would report, both major parties had, in the election of 1988, seized upon the cause of law enforcement, five years before columnist E. J. Dionne Jr. began talking about “Kojak liberals.”

Nor, in turn, should we assume out of hand that political backlash led to a restoration of “traditional” police or criminal justice methods. Rather, law enforcement in the neoconservative turn has been far more resilient and adaptive than we often recognize. New powers were created even when neoconservatives claimed to be returning to “basics.” Take police interrogation. Rather famously, the Miranda ruling of the Warren court became a focal point of conservative ire in this period. As I suggest in chapter 2, however, this furor has often led us to overlook that Miranda was itself eroded in this period, and that it had far less effect on police conduct in the first place. Meanwhile, the political hubbub had led us to overlook a more subtle, yet parallel, story: the Supreme Court sanctioning of police deception in interrogation during the same era. A similar byplay between the defense of “basics” and the installation of new tactics underlies chapter 3. Like many observers, I once thought the rise of cold case police squads in the 1990s marked the return of old-style detective work. But here, too, policing has actually been reshaped by modern technological changes; by a very contemporary (I argue, post-industrial) sense of neighborhood and community; and by new legal changes (again, in stat-
utes of limitations) to support, as it were, a policing of history. Meanwhile, the return of what might seem traditional private detective work via personal security—my central topic in chapter 4—reflects a similar contemporary context. As Clifford D. Shearing and Philip C. Stenning show, the resurgence of private security may stem not so much from the vacuum created by the economic crisis of the state as from contemporary alterations in property relationships—notably the rise of mass private properties like malls, gated communities, and the like. Risk management took hold in a new America, not the older one of conservative dreams.

By focusing on themes such as the use of risk or actuarialism, of course, I might seem to be complaining simply that neoconservative theorists were too driven by utilitarian logic. If so, one can imagine a few readers replying, the real problem of the neoconservative turn was that it was not actuarial or utilitarian enough—given, say, the tremendous financial burden of prisons or the dreadful waste of social and human resources crime and its policing bears witness to. But to return to my earlier thoughts about scale and preemption, the point is, rather, that the ethos of risk and management meant that such utilitarianism could be applied quite differentially and with startling arrogance about the futures it assumed.

Take, for example, the following passage from James Q. Wilson’s influential *Thinking About Crime* (1983), the book that both included the original rationale for the Broken Windows theory and placed that theory within the broader neoconservative platform of differential sentencing, judicial “speed and certainty,” and prison incapacitation. Here, Wilson writes about how to best target frequent offenders for punishment:

> Whenever we are trying to discover a relationship between hard-to-measure factors that operate deep inside a complex social structure, we are well advised not to rely on any single method of analysis and particularly well advised not to rely on statistical studies using aggregate data. . . . Above all, we should look at what happens to individuals. . . .

Ideally, we would like to know how the probability or severity of a possible punishment will affect the behavior of persons who might commit a serious crime. Such persons probably constitute only a small fraction of the total population, but they are an important fraction. Most of us would not commit a serious crime because of the operation of internal controls on our behavior, reinforced by the fear of embarrassment should our misconduct be detected. A few of us may commit serious crimes with only small regard to the risks, unless those risks can be made great and immediate. For example, most men would never dream of killing their
wives, and a few men might kill them (perhaps in an alcoholic rage) unless a police officer were standing right next to them. But for a certain fraction of men, the idea of doing away with their wives is strongly conditioned by their perception of the risks. Wives, and in particular feminist organizations, concede this when they demand, as they have with increasing vigor, the strict enforcement of laws against wife-abuse.

Persons who are “at risk” are those who lack strong, internalized inhibitions against misconduct, who value highly the excitement and thrills of breaking the law, who have a low stake in conformity, who are willing to take greater chances than the rest of us, and who greatly value quick access to ready cash. Such persons tend, disproportionately, to be young males.

Leaving aside the other dimensions of Wilson’s folkloric style—which I have discussed elsewhere—one sees many consequences of his rhetorical scaling operation and his metaphorical riffs on risk. Differentiating between “us” and criminals, directly insinuating a personal analogy (dear to the heart of feminists, he claims), Wilson proposes risk management as an avenue into a perpetrator’s consciousness, so that “thinking about crime” doubles as our common sense and the calculations of a potential (but actually habitual) criminal. Risk becomes a way to differentiate our own private internal control mechanisms from those individuals we assume do not have any. If this is utilitarianism, it has actually abandoned any genuinely collective (or macro) sense of a greater good in the name of positioning us, his readers, as society itself—and cordoning off the fractional remainder.

I hope that the consequences that flow from this illogic will be apparent in what follows. Throughout this book, I mean to cast a skeptical eye on the rhetorical forms, fables, and keywords that define “crime talk” like the passage above. But my larger point would be that the defenders of the war on crime have often been obliged to deny the very practices they have put at such a premium. Despite their claim to preserve democratic order, I also hope to show, these tactics often had drastic results for the disadvantaged, for communities of color, and for “young males” already within the system. This persistent inequality is only made all the more tragic when one considers that the supposed remedy of private security is something only a few can afford. And the plot thickens in other ways. As I have suggested, rather than representing a renewed moral certainty, much less zero tolerance, in many instances my five tactics point to the state’s contradictory emulation of criminality, its desire to incorporate the criminal’s
knowledge into its own operations (or, in Foucault’s formulation, to turn that knowledge “inside out”). These tactics often represent systematic attempts to control and infiltrate criminality, and thereby garner intelligence for a more preemptive approach to security. In this final way, the catchphrase “learning to live with crime” betrays yet another irony of the neoconservative turn: that by applying these micropractices, the post-liberal state shows that it has, in effect, often learned from crime—learned from it, in order to supposedly construct a more vigilant public. These are tactics that are therefore both material and ideological, connected to fashioning consent as well as implementing control.

V.

The reader will quickly see that this book also attempts to shift our critical discussion of crime narrative in the direction of exposé, literary nonfiction, and memoir. At the very least, I hope to resurrect a tradition of in-the-trenches journalistic writing that is all too often overlooked in our criticism. Especially when generated in tandem with newspapers or magazines (New York magazine, The New Yorker, the Atlantic Monthly), nonfiction narratives are necessarily bound by conventions and professional norms about truth telling, sourcing, and direct witnessing that open up the inner workings of power and representation in instructive ways. Unpacking those conventions and journalistic methods returns us to an awareness of the material obstacles that working crime writers confront when representing social processes that are often out of view, restricted by legal considerations, or obscured by the vexing silences that accompany policing disorder, committing a crime, or being a crime victim.

Conversely, bringing a sensitivity to narrative form to such nonfiction—to the literary archive writers consult and the interpretive effects created by the array of story styles they choose—helps us understand the power and limitations of the truth claims nonfiction makes. Through such attention to narrative form and technique, we also discover issues about crime and its representations that too often elude us in empirical studies and in the relentless counting, recounting, or debunking of “images” of disorder. Like the novels they often emulate, these nonfiction accounts invite nuance over static constructions, entangle emotions like fear with strains of hope or humor. As Wendy Lesser has so aptly put it, they also draw us into the intellectual and ethical pressure that results “the further we move away from the neatly contrived and the artificially resolvable.”
For example, we discover that a criminal’s authentic voice is an especially elusive quarry for literary representation; that individual informants are often mistaken for representatives of entire mobs or underworlds; that the creative representation of criminality sometimes involves, out of sheer necessity, inventing forms that are collaborative and “double-voiced” in execution.18

However, if works of literary nonfiction are often the centerpiece of my chapters, Learning to Live with Crime also discusses everyday news coverage, several television series, a ghost-written autobiography—and even, in my epilogue, a Danish mystery novel. I also explore an eclectic range of issues along the way: for example, why recent crime writers have been returning to “retro” versions of older genres, blending “street” realism on TV with interior melodrama, or making con men look cool and cold cases look like hot ones. Within this range of genres and issues, however, each chapter focuses on the material contact zones between cultural representation and the conditions of its production—in this case, the conditions of contemporary crime management. I mean to ask, at every turn, how a writer’s knowledge of disorder and governance is filtered and shaped by the ways that law enforcement gathers up criminality, or the methods by which our legal system judges and punishes it. Literary styles and generic codes within the gangland narrative, or the prison exposé, or the cold case narrative thus often play a pivotal role not just “in-forming” us, but in re-forming the explanation forms that organize social data in the first place.39

Sometimes this means a writer must apprentice in the knowledge work embedded in a criminal’s past or in crime management as such. Sometimes it means brokering relationships between police authorities, cooperating witnesses, and victims. Sometimes it means going undercover.

However, there is also a somewhat deeper layer of exchange at work here. It is hardly news that the process of crime management creates a material scrim through which writers of TV shows, memoirs, and exposés have often first had to pass: rules about whether you can interview an informant, watch an interrogation, or even enter a prison. But criminal justice also presents what we might call “a story scrim” writers must negotiate as well. Storytelling has often been on the crime scene long before any given writer arrives there. That is, there is an intrinsic symbolic and narrative dimension that suffuses crime’s accounting in the first place: a moment when an organized crime informant is asked to tell his story; when an interrogation pivots on confession; when a crime victim’s memory of pain becomes part of a criminal’s future sentence, in a court of law, or in an exposé. In other words, crime-fighting tactics are not merely
instrumental practices but communicative, symbolic, and meaning-making expressions from the get-go. Crime managers generate stories about the causes of crime, about a criminal’s motivation, or about how the larger war has been waged; they offer constructions of violated neighborhoods, the relationships between past and present, and the remedies citizens must embrace. In many instances, then, a writer’s knowledge of crime is invariably joined at the hip with law enforcement reconstruction—or, to cite John Edgar Wideman’s allusion, the knowledge of brothers is necessarily bound to that of keepers. As I try to show in chapter 5, for example, prison incarceration had already been rewritten at the level of cultural understanding before Ted Conover or John Edgar Wideman arrived there (by such different routes). That is, prison had been already drafted into the key themes of the neoconservative turn: as my earlier quote from *Thinking About Crime* suggests, prisons were narrated through the language of risk assessment and a “plotting” that cut short the résumé of “young males.” Writers’ attempts to engage such already-existing stories, embedded even in small-scale tactics, and to re-craft those stories into longer (or, in David Milch’s case, serial) narratives, is in many ways the subject of this book.

All this being said, I do not mean to suggest that in the narratives I have selected we will find the full reach and power of American social experiences with crime. Many Americans have direct experience with criminal indictments and police sweeps, with community meetings and plea bargains, with courtrooms and probation systems. Nor do I mean to suggest that media stories impact each of us in the same way, or that more empirical studies of citizen fears, neighborhood victimization, and family trauma are somehow less important than what I do here. Far from it. My own work merely attempts to come to terms with narrative renderings of the dire situations such studies also attempt to grasp. But as Ian Loader has suggested, even the seemingly most empirical measurements of risk, disorder, and personal pain about crime are frequently tied up with rhetorical, symbolic, and narrative constructions that extend beyond the actual crime event itself. Such constructions often provide the frameworks through which we blend actual experience and social knowledge, direct witnessing with rumor, and common knowledge of crime with personal observation. We need to be aware of how experience with crime often comes to us already narrated, and even how those things we call facts are often rhetorically constituted at the very level of their facticity.

How we tell ourselves the story of this neoconservative turn is, therefore, far more than a problem of the political labels we prefer. It is also a matter of how we describe our own accommodations with the tactics
I describe. The very fact that this turn has been marked by a redrawing of fundamental social boundaries—between public and private, criminal and civil justice, neighborhood values and personal responsibility—also suggests that this war has not been waged by tactics somehow beyond our own everyday lives. On the contrary: attending to these crime stories may help us understand how we, as readers and as citizens, have come to live with what otherwise we might find criminal.