



Episode 306-The Cops: Is it a Case of Bad Apples?

Guest: Michael Malice

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WOODS: We want to talk about police today, and before we do that, I want to talk to you about not the substance because I didn't see it myself, but just about what happened to you last night on *The Independents* on FOX Business. You were talking about the police, and it wasn't all agreement. It wasn't all ham and plaques, to quote Montgomery Burns. What happened? They ganged up on you?

MALICE: Not necessarily ganged up, but here's the situation. It was me, Thad McCotter, who just recently wrote a book about libertarians/Republicans—a former congressman from Michigan—Camille Foster who is an ancap, Matt Welch is the head of *Reason*, and Kennedy, you know, she is a libertarian. And I was just going after the police, and it was four against one, and it was just very off-putting—I'm not going to lie—to see people who you get along with and see eye to eye largely. I mean, they were just not agreeing with what I was saying, and it made me just—one of the points I've come to realize in the last few months is how much my upbringing—being raised by—I was born in the Soviet Union, so I was raised in a Russian household—how much that informed my perspective on the police versus the American one because the American one really—there's this reverence for the police, which does not really apply to any other position, and it's just very bizarre that most Americans see this as the norm as opposed to this is something that's unique to American culture and has been inculcated in them since they were children.

WOODS: Yeah, obviously, the more deeply embedded a presupposition is, the less able people are to perceive it. They don't even know they have it. When we were just about to start talking, you were saying that the whole episode was rather off putting, and then I started to talk about my experiences, and I said, wait a minute, let's talk about this on the air. On the one hand, it can be invigorating to have a good, vigorous discussion. On the other hand, there is something, especially when it's on TV, and you're outnumbered, it can be tricky and hard. Like in the old days, like, long before Hannity had his own show, it was Hannity and Colmes, and I was on that show, and Colmes and I went at it, and at the time I thought, oh, I don't like this. This is terrible, but everybody said, no, it's great TV, and I ended up selling a whole lot of books as a result of it.

So that was great. That's fine. But when I got attacked by *The Boston Globe*, *The New York Times*, *Reason Magazine*, all these together, part of me thought, well, these are never going to be my friends anyway, so who really cares? But it's easy to say that 10 years later. At the time it was terrifying: what the heck is happening here? It's hard to be a lone voice. It looks glorious and exciting, but it can be hard to be a lone voice. But I want to talk about what you were a lone voice about, and in the show notes, I'll make sure and link people to the two articles that you wrote that we're going to talk about right now.

MALICE: Wait, now, and hold on. Let me say something quickly.

WOODS: Please, say it, and take your time.

MALICE: You're speaking to the person who owns assholism.com, literally. I have no problem with being a lone voice. What I had an issue with was, whenever I am having conversations with people and they disagree—I have friends—look, I wrote the book on North Korea. I understand the North Korean perspective. I understand the Stalinist perspective. I understand the conservative perspective, liberal progressive—even a left-libertarian such as yourself, Tom.

WOODS: (laughs) All right, you've been waiting to use that one on me for a while.

MALICE: (laughs) That's true. I admit that freely.

WOODS: (laughs) All right.

MALICE: But what was off-putting wasn't being the lone wolf, it was that I could not match what I knew about their philosophy with the reactions. That was very off-putting to me because I did not anticipate the hostility.

WOODS: Okay, let's start off with the first article. I think your article to conservatives is really well done. It sounds like an article that I would write. (laughs) No, wait a minute. That came out wrong. It's really awesome because it sounds like—(laughs).

MALICE: Yeah, perfectly.

WOODS: I was thinking this is a tricky thing to navigate to try to talk to conservatives about the police. You've got to handle it just so, and you didn't lob any Molotov cocktails into it. You really handled it with just the right tone, but because you had already gotten off your chest what you wanted to say about the police in the other article called "Why I've Never Respected the Police." Now, let me tell you something. I definitely want to play devil's advocate with you here because I still, in the same way that I have a lingering sense of respect for Ronald Reagan, even though I know on paper he wasn't so good, but my heart still remembers the "Tear down this wall." I grew up with that. It's hard for me to just throw that away. Well, likewise, I grew up

with the idea of the local policeman, and he's making sure nothing bad happens. It's hard for me to discard that. So I do want to play devil's advocate a little bit. But let's talk about the first article, "Why I've Never Respected the Police." Talk about and develop this point that you made just a moment ago about the effects of your own personal upbringing, because here I am bringing in my upbringing. Your upbringing affects the way you think about even the U.S. police today. How so?

MALICE: Well, one of the examples that I cite in the article is something my dad told me when I was a kid, and my dad is hardly some kind of radical firebrand. He worked at Merrill Lynch. He told me, Michael—and I reiterated this story on ABC Radio, and when I reiterated the story, the host audibly gasped and recoiled, and it was just so bizarre to me that this would be a shocking statement. My dad said to me, Michael, wherever you go, wherever you find yourself in the world, the stupidest people are always the cops.

Now, my dad always said something else to me. He said—obviously I come from a Jewish household—wherever you go on Earth people are going to hate you because you're Jewish/ And when I went to North Korea, I found that yes, that's true. Even North Korea knows. I said that's something that both of these things have been a part of my head. Obviously, we're not going to talk about the Jewish thing, but I don't understand how someone can look at police officers and not see louts regardless of whether you think they are doing a good job, or but for them we'd be having chaos or so on and so forth. These are not people you want over at dinner. These are the trashiest people in any community. And I don't get how people view them as these rarefied men with capes behind them on horseback.

WOODS: I do actually want to talk to you about being Jewish and being in North Korea, but we'll have to do that separately because as it is, this conversation could go on all day, but I am interested in that subject. I still have this sense, though, that's it's an overstatement. It's hyperbole to be comparing the American police with the Russian. I am not worried that an American policeman is going to take me away, and I will never be heard from again. And I know I am going to get emails from people saying, well, such and such person had this happen to him in 1987—okay, but not 10 million. On my list of worries, that's not even on there. So don't you think you're overdoing it?

MALICE: Well, no, this is exactly the question that happened yesterday, and the point I made is this isn't a question about politics. This is a question of manners. If you sign up for a job, and by the nature of your job, you are raising your voice to other adults, and you are demanding to go through their possessions, what kind of person are you? What kind of person is drawn to a job like that? This is just—it's just a reflection on your character. It has nothing to do with one's political stance.

WOODS: Well, as a fireman, I might have to yell at people. I might have to yell at people as a physician. Get the heck out of the operating room. Sometimes for the general good, I have to yell at people. That's okay.

MALICE: When's the last time you yelled at somebody?

WOODS: Okay, it's been an awfully long time.

MALICE: Oh, interesting, yeah. So it's very bizarre. Here's the other point, so again, the broad brush. This is the criticism I hear frequently about how you can't say that there's good apples and bad apples in every bunch, and my point is, no, you cannot be—one of the other points of the article is, you cannot be a good apple as a policeman, and here's why. Let me give you in a story an example that's the most favorable to the police possible. You have a kid who's growing up, and he's a complete, terrible quality person. He is lazy. He doesn't do his schoolwork. He disrespects his parents. He comes from not a broken home. His parents work very hard to instill good values in him, but he's just a terrible, terrible person. He drops out of school as soon as possible. He does not think about the future. He is living day to day. He is really being stupid. He brings nothing to the table. As a consequence of the War on Drugs, there is a huge black market that has been created which creates incentives for people like him, and that you would not disagree with I am sure, right, Tom?

WOODS: Yeah, right.

MALICE: Right, so as a result of this, he is like, you know what? I can't go to even McDonald's because I can't show up not late to work because I am such a jerk. So this is my only way to generate revenue for myself. He starts selling drugs—marijuana, let's even say. He's got like a lot of it. Now, we also know that marijuana has literally never killed anyone, as opposed to cigarettes or alcohol or even cars, but literally, literally no one has ever died from marijuana. You can't overdose on it. He sells. He's got like a lot in his house. A cop comes and arrests him. Now, this person is a very, very low-quality person, but as a consequence of all these things he's done, he's going to be sent to jail. Part of the things that will happen in jail: he will almost certainly be raped. And even if he's not raped, he will 100% certainly be living in constant terror. Now, if you take this admittedly worthless young man and feed him into this machine, you cannot continue to call yourself a good person, is my position.

WOODS: All right, but of course, everybody knows we need to have some kind of security service. We would have that in a free society. Nobody disputes that. But maybe you could say, look, in this system that's the way it works. We have terrible laws, and they are being enforced, and it's terrible, but there's zero chance of privatizing the police tomorrow. So I have to go along with the system that exists, and given that the system is not going to change in terms of privatizing—that's just not going to change; it would be nice, but that's just not going to

happen—we might as well have the police be populated with as many reasonably decent people as we possibly can, who regret that they have to be part of this, but at least in those areas where they have some discretion, they can try to be reasonable. They can overlook your speeding ticket. They can look the other way here and there. They can try to be helpful. So in other words, there could be an honorable person who says, yeah, I hate half the laws, but I'd rather have me who hates half the laws doing the enforcing than somebody who really relishes it.

MALICE: Well, you're switching goalposts, and making a cardinal error. The first error you're making is that you're right now advocating arbitrary enforcement of the law.

WOODS: Yes, I am. (laughs)

MALICE: Which is a hallmark of totalitarianism.

WOODS: No, no, no. If it's an evil law, I'd rather have it arbitrarily enforced than fully enforced.

MALICE: No, you'd rather have it not enforced at all, obviously is the idea. The thing is, I will concede all of those points for the sake of argument that you made that we need to have the police. They are not going to be privatized. You're going to have righteous ones and not righteous ones. However, that does not clean the hands of that person who puts on the badge. He is still committing evil acts. Murderers hold doors open for old ladies. Murderers don't murder 24/7. You define people when they knowingly commit horrible acts, and if you as a person in the course of your profession accept money and are paid to ruin even one life, you are not a moral person.

WOODS: What did people say on FOX Business last night? You must have made that particular, specific objection. What did they say to that?

MALICE: I did not. I made that objection because I was going home and ruminating because they were coming at me, and I'm like, "What could I have said?"

WOODS: Oh, it turns out "jerk store" was the line. Jerk store! So you got to contrive to get them all together again, right.

MALICE: Yeah, it was *l'esprit de l'escalier*. No, so that to me—because I respect those people. I said to all of them individually and to the group, what could I have said that the fact that they were reacting so harshly—what could I have said? And how am I wrong? It's very possible that I'm wrong, and I considered their criticisms very seriously, and yet, is it true that maybe there are some good ones and some bad ones, and I don't think that it's possible to be a good police person, a good human being, and a policeman. I go back to one of my favorite philosophers who I think libertarians kind of undervalue, Albert Camus, who is French. He was a member of

the Communist Party, but he was really the biggest philosopher of conscience, and one of the things that he always talks about is—I savor a little quote that people post a lot on Facebook is, “It is the job of thinking people not to be on the side of executioners.” And he made the point, which really resonated with me, that a moral person is never called upon to do the wrong thing. I guess the American analog would be like those Quakers who are not drafted because they won’t take up arms even in a just cause.

WOODS: Do you have a video of the segment? Is it anything that you would mind if people saw? Do you look back on it fondly? Or do you look back on it with regret?

MALICE: I haven’t seen it yet. It hasn’t been uploaded as we’re speaking. I don’t know if it will be because this was the aftershow. I have regret only in the sense that I am surprised by the reaction, especially because the other guest on the show was Radley Balko, who is probably the leading person on this issue in the States.

WOODS: Okay, well, if the video becomes available, let me know. We’ll put it on the show notes page for this episode—because it’s episode 306, it’ll be TomWoods.com/306.

Let’s switch gears. Let’s talk about how you approach conservatives on this subject. There are three classes of government employee that conservatives will defend to the hilt forever. It’s the military, the police, and public school teachers. Oh, yeah, yeah, yeah—public schools spend too much money, but they ain’t never going to get rid of them.

MALICE: I went into them yesterday, too. They brought up that example, and I said that they are the brownshirts for the state, yes.

WOODS: All right, when you’re in your “I have to tread carefully” kind of mode, how are you approaching conservatives, showing that their own point of view should lead them to the Michael Malice position?

MALICE: I wrote an article entitled “Why Conservatives Should Oppose the Police,” and one of the things I would start out the article is it bothers me how glibly so many of my progressive friends dismiss conservatives as basically uncivilized savages and progressivism being colonialism to bring civilization to their degradation, right? And I said wasn’t going to do that. I am going to respect the conservative perspective. I am not a conservative by any means. In the beginning of the article I tongue in cheek brought up the fact that my haircut is asymmetrical, but one of the points—to sum it up in literally one sentence, I said you should oppose socialized law for the same, exact reasons you oppose socialized medicine. When you put it that way, conservatives understand that socialized medicine means more people dying, it means waiting to see doctors, it means being treated like absolute crap because the government has no incentive to treat you well because you have no other alternatives, and it means rationing and

absolutely no progress in research as opposed to the market having a profit incentive to develop vaccines and things like this, and that was basically in one sentence. It's just the same, exact process just applied as law.

WOODS: Well, what would you recommend be done in the absence of the police? What would happen? What would it look like if we didn't have publicly funded police?

MALICE: Well, again, in an article I looked at the data, and the data tells you where are you safest? You are safer in a bar, where everyone is inebriated and not in their right minds and full of young, aggressive males, you are safer in a hotel, where everyone by their nature is a stranger, and who is not resident to the area that you're in than to those places that are under the purview of government-provided security: the subways, the streets. The example I use is, if you go to a dark movie theater with your family, it's a great night out for everyone. If you go down a dark alley, well, that's how Batman was born. So that itself tells you how, and conservatives shouldn't be surprised, how incompetent the government is at providing everything.

WOODS: And another point that you make in the article is one that I think people realize in the back of their minds, but they don't draw any conclusions from it: that the police don't generally do the thing you ultimately want them to do. There are cases where they'll come to your house after you've been burglarized, and sure, they'll definitely write a report about it. And there even could be cases where it's possible they do protect the public from a bad guy. It's not metaphysically impossible. But the point is they don't make you whole. They don't provide restitution the way an insurance company does. Your house burns down, your insurance company gets you a new house. Your car gets stolen, your insurance company gets you a new car. The police don't get you your old car. They don't find it. They don't return it to you. It just never happens. We had a case where somebody had broken into our house, and the idiots didn't see: we have giant alarm system sign all over the house. The alarm went off, and it scared the little SOBs. So they went running. Our neighbor chased them down. See, we live in an area where it's all new houses. It's all beautiful houses, but they're all new, so they figure the police don't know these houses are there yet. So they've stopped doing it, but we had this issue where somebody tried to break into our house. So our neighbor got the license plate of the car—got a description. He got every bit of information you could possibly ask for. They have no idea.

MALICE: But the thing is, it's very easy for anyone hearing that story to dismiss that that this is an outlier. You're using one example.

WOODS: Oh, no, no, no. The statistics are overwhelming—they never find anything.

MALICE: Hold on, and the example I use in the article counter to that every sitcom has had its story or every drama on TV where one of the characters is burglarized, and things happen as a consequence. Even in this fictionalized world, it is impossible to have the cops return your stuff, find it, and make you whole unless that's a plot device. You know what I mean? Even in an imaginary world, it never happens. Now meanwhile, let's suppose you order something online from some store in Australia, and the sweater, whatever it is, doesn't get to you. They will send you a replacement. It's not even a question. But the idea that something—I'm going to make sure your house is taken care of, and I didn't do it. I can just shrug my shoulders and write down as kind of rubbing salt in the wound what you got taken from you. It's just absolutely bonkers to me.

WOODS: Also, there's something institutionally about publicly funded police that makes their task basically impossible, even if they were all saints, and that is that they almost always have to come onto the scene after the fact. They are very rarely standing there and three inches away somebody steals somebody's purse or something. They have to be coming in after the fact. The reason is that we don't really want them spying on us all day long to make sure nothing is stolen from us, and we don't want them engaging in crude methods of crime prevention. But prevention is really what you want, and that can be done by local merchants themselves. It can be done by neighborhood watch associations. I don't care if my neighbor is walking around, checking out things, making sure everything is okay, because we agreed to that voluntarily. Or I don't care if some guy I hired to do this is going to do these sorts of preventive activities because there's a contract, and he's limited in what he can do, and if he does things that go beyond that, I can actually sue him and stop him from doing it. Whereas good luck suing the police. So you see, the private sector naturally is going to have an advantage because it can engage in preventive behaviors that we wouldn't want the police to engage in.

MALICE: And I am going to latch onto a word that you just used, and I think intentionally, which is crude. I have many friends of mine who have defended the police tell me that every interaction that they have had with the police, the police have been very kind and polite. And I thought to myself: what kind of profession is this that basic civility is regarded as an accomplishment, and something that's aspirational? Isn't it great that they spoke to me civilly? That is the base minimum of human interaction. The fact that this is regarded as somehow outside of the norm is very, very telling, I think.

WOODS: Well, Michael, a lot of architects I have spoken to have been very decent to me in the way they have addressed me, as have dentists. I very rarely have occasion to bother pointing that out. So that is also an interesting point.

MALICE: And let me tell you. I met George W. Bush's uncle, Neil, and he charmed the pants off me. That does not make me a neocon.

WOODS: No, a lot of these people are wonderful, delightful. I have had a chance—I'd better not say names—to meet an awful lot of neocons who have been extremely civil and beyond civil, delightful people. When they are not engaged in insanity, they are actually okay. They told jokes. We both watched *Chopped* on the Food Network.

MALICE: Let me just throw out one more point, which I also came to in preparation for this interview. The big arguments are that being a police officer—and this just proves that this is propaganda permeating the people's head. The arguments are it's a dangerous profession. Someone has to do it. It's high stress—so on and so forth. Therefore, they do all this reverence. Why is it that police are respected and revered so much more than correctional officers? Correctional officers—all those arguments—they have to do the same thing. They are even more interacting with criminals and dangerous people than the cops, but they are not regarded with anywhere near the esteem the police are. Why is that? And I don't have an answer except for the fact that clearly there has been a lot of mythologizing about the police and not as much about COs.