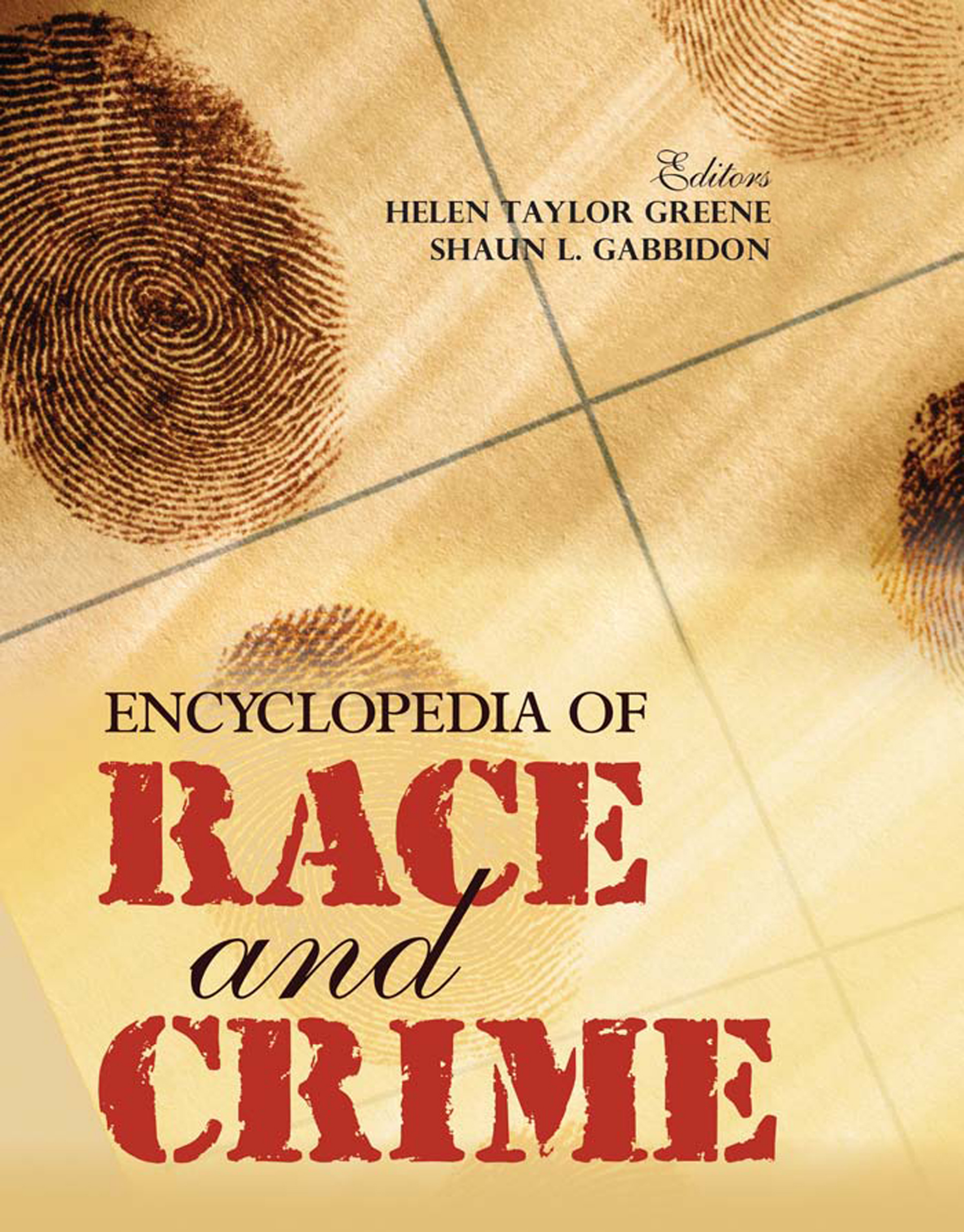


Editors
HELEN TAYLOR GREENE
SHAUN L. GABBIDON

ENCYCLOPEDIA OF RACE *and* CRIME

ENCYCLOPEDIA OF
RACE *and* CRIME

Editorial Board

ENCYCLOPEDIA OF
RACE *and* CRIME

Editors

HELEN TAYLOR GREENE

Texas Southern University

SHAUN L. GABBIDON

Pennsylvania State University, Harrisburg

SAGE

Los Angeles | London | New Delhi
Singapore | Washington DC

A SAGE Reference Publication

For information:

SAGE Publications, Inc.
2455 Teller Road
Thousand Oaks, California 91320
E-mail: order@sagepub.com

SAGE Publications Ltd.
1 Oliver's Yard
55 City Road
London EC1Y 1SP
United Kingdom

SAGE Publications India Pvt. Ltd.
B 1/I 1 Mohan Cooperative Industrial Area
Mathura Road, New Delhi 110 044
India

SAGE Publications Asia-Pacific Pte. Ltd.
33 Pekin Street #02-01
Far East Square
Singapore 048763

Printed in the United States of America.

Library of Congress Cataloging-in-Publication Data

Encyclopedia of race and crime / editors, Helen Taylor Greene, Shaun L. Gabbidon.
p. cm.
Includes bibliographical references and index.
ISBN 978-1-4129-5085-5 (cloth)
1. Crime and race—United States—Encyclopedias. 2. Criminal justice, Administration of—United States—Encyclopedias. 3. Discrimination in criminal justice administration—United States—Encyclopedias. 4. Minorities—United States—Encyclopedias. I. Greene, Helen Taylor, 1949– II. Gabbidon, Shaun L., 1967–

HV6789.E43 2009
364.973089—dc22 2008045849

This book is printed on acid-free paper.

09 10 11 12 13 10 9 8 7 6 5 4 3 2 1

Publisher:	Rolf A. Janke
Assistant to the Publisher:	Michele Thompson
Acquisitions Editor:	Jim Brace-Thompson
Developmental Editor:	Diana E. Axelsen
Reference Systems Manager:	Leticia Gutierrez
Reference Systems Coordinator:	Laura Notton
Production Editor:	Tracy Buyan
Copy Editors:	Colleen B. Brennan, Pam Suwinsky
Typesetter:	C&M Digitals (P) Ltd.
Proofreaders:	Kevin Gleason, Andrea Martin
Indexer:	Joan Shapiro
Cover Designer:	Bryan Fishman
Marketing Manager:	Amberlyn McKay

Contents

List of Entries

Reader's Guide

The Reader's Guide is provided to assist readers in locating entries on related topics. It classifies entries into 14 general topical categories: (1) Biographies, (2) Cases, (3) Concepts and Theories, (4) Corrections, (5) Courts, (6) Drugs, (7) Juvenile Justice, (8) Media, (9) Organizations, (10) Police, (11) Public Policy, (12) Race Riots, (13) Specific Populations, and (14) Violence and Crime.

Biographies

Abu-Jamal, Mumia
Bonger, Willem Adriaan
Brown, Lee P.
Bully-Cummings, Ella
Byrd, James, Jr.
Cochran, Johnnie
Davis, Angela
Du Bois, W. E. B.
Ferguson, Colin
Frazier, E. Franklin
Goetz, Bernard
Harvard, Beverly
Higginbotham, A. Leon, Jr.
Houston, Charles Hamilton
Jackson, George
King, Rodney
Mann, Coramae
McVeigh, Timothy
Peltier, Leonard
Pictou-Aquash, Anna Mae
Thomas, Clarence
Till, Emmett
Walker, Zachariah
Ward, Benjamin
Wells-Barnett, Ida B.
Wilson, Genarlow
Work, Monroe Nathan

Cases

Batson v. Kentucky
Brown v. City of Oneonta
Brown v. Mississippi
Castaneda v. Partida
Coker v. Georgia
Dred Scott Case
Duke University Assault Case
Escobedo v. Illinois
Furman v. Georgia
Gregg v. Georgia
Illinois v. Wardlow
In re Gault
Jena 6
Johnson v. California
Kennedy v. Louisiana
Kimbrough v. United States
Mapp v. Ohio
Martinsville Seven
Maryland v. Wilson
McCleskey v. Kemp
Miranda v. Arizona
Missouri v. Celia, a Slave
Moore v. Dempsey
Norris v. Alabama
O. J. Simpson Case
Oliphant v. Suquamish Indian Tribe
Powell v. Alabama
Roper v. Simmons
State v. Soto
Tennessee v. Garner
Terry v. Ohio
Till, Emmett
United States v. Antelope
United States v. Armstrong
United States v. Booker

Concepts and Theories

Corrections

Courts

Drugs

Juvenile Justice

Media

Organizations

Police

Public Policy

Race Riots

Specific Populations

Violence and Crime

About the Editors

Helen Taylor Greene is Professor and Interim Chair of the Administration of Justice Department in the Barbara Jordan–Mickey Leland School of Public Affairs at Texas Southern University in Houston, Texas. She authored two of the earliest compilations of contributions by Black authors to the study of criminology and criminal justice. Dr. Greene has also authored and coauthored peer-reviewed articles and book chapters on Black perspectives on crime and criminal justice, delinquency prevention, police brutality, police use of deadly force, community policing, and women in policing. She has coauthored and coedited several books, including *African American Classics in Criminology and Criminal Justice* (2002), *Race and Crime* (2005, 2009), and *Race, Crime, and Justice: A Reader* (2005). Dr. Greene was the corecipient of the Coramae Richey Mann Award for outstanding scholarship in the area of race, ethnicity, and crime in 2005 and recipient of the Coramae Richey Mann Leadership Award in 2007.

Shaun L. Gabbidon is Professor of Criminal Justice in the School of Public Affairs at Penn State Harrisburg. In addition to having authored numerous peer-reviewed articles, he is the author or editor of seven books. His most recent books are *Criminological Perspectives on Race and Crime* (2007), *W. E. B. Du Bois on Crime and Justice: Laying the Foundations of Sociological Criminology* (2007), and the newly published *Race, Ethnicity, Crime, and Justice: An International Dilemma* (2010). Dr. Gabbidon also serves as editor of the State University of New York (SUNY) Press's *Race, Ethnicity, Crime, and Justice* book series and as coeditor of Routledge's *Criminology and Justice Studies* series. In 2005, he was the corecipient of the Coramae Richey Mann Award for outstanding scholarship in the area of race, ethnicity, and crime, and in 2007 he was the recipient of Penn State Harrisburg's Faculty Award for Excellence in Research and Scholarly Activity.

Contributors

Dwight Aarons
University of Tennessee

Reem Ali Abu-Lughod
California State University, Bakersfield

Terri M. Adams
Howard University

Efua Akoma
Virginia Polytechnic Institute

Heather Alaniz
University of Houston, Clear Lake

Frankie Y. Bailey
State University of New York at Albany

Maldine Bailey
Nova Southeastern University

Tiffiney Y. Barfield-Cottledge
University of North Texas–Dallas Campus

Dawn Beichner
Illinois State University

Ellen H. Belcher
John Jay College of Criminal Justice

Joanne Belknap
University of Colorado

Scott Belshaw
Prairie View A&M University

Mark T. Berg
University of Missouri–St. Louis

Ronald J. Berger
University of Wisconsin–Whitewater

Lindsey Bergeron
North Dakota State University

Robert L. Bing III
University of Texas at Arlington

Donna M. Bishop
Northeastern University

Ashley G. Blackburn
University of North Texas

Robert M. Bohm
University of Central Florida

Kendra Bowen
Indiana University of Pennsylvania

Lorenzo M. Howell
Fayetteville State University

Andrew Bradford
Indiana University of Pennsylvania

Michele P. Bratina
Indiana University of Pennsylvania

Todd E. Bricker
Shippensburg University

Avi Brisman
Emory University

Willie Brooks, Jr.
University of Houston, Victoria

Patricia L. Brougham
Salem International University

Michael P. Brown
Ball State University

Gloria J. Browne-Marshall
John Jay College of Criminal Justice

Christopher Bruell
Northeastern University

Alison S. Burke
Indiana University of Pennsylvania

Catherine E. Burton
The Citadel

Frank Butler
La Salle University

Sophia Buxton
Hampton University

Lisa M. Carter
Indiana University of Pennsylvania

Abraham Castillo
University of Houston, Clear Lake

David R. Champion
Slippery Rock University

Elsa Y. Chen
Santa Clara University

Liza Chowdhury
Rutgers, The State University of New Jersey

Jennifer Christian
Indiana University, Bloomington

Diane Cismowski
Rutgers, The State University of New Jersey

Shelly Clevenger
Indiana University of Pennsylvania

Michael T. Coates
Institute for the Study of Violent Groups

John K. Cochran
University of South Florida

Tyrell Connor
Hampton University

Charles Corley
Michigan State University

George Coroian
Indiana University of Pennsylvania

Allison M. Cotton
Metropolitan State College of Denver

Amanda K. Cox
Indiana University of Pennsylvania

Ronald O. Craig
Troy University

Tommy Curry
Southern Illinois University

Douglas J. Dallier
Florida State University

Alejandro del Carmen
University of Texas at Arlington

Jo-Ann Della Giustina
Bridgewater State College

Michael DeValve
Fayetteville State University

Cherie Dawson Edwards
Eastern Kentucky University

Helen Eigenberg
University of Tennessee at Chattanooga

Christine Eith
Towson University

Traqina Quarles Emeka
University of Houston, Downtown

Peggy A. Engram
University of Houston, Downtown

Monica Erling
University of Wisconsin

Doug Evans
Indiana University, Bloomington

Amy Farrell
Northeastern University

Elizabeth M. Fathman
Saint Louis University

Raúl Fernández-Calienes
St. Thomas University School of Law

Marianne Fisher-Giorlando
Grambling State University

Benjamin Fleury-Steiner
University of Delaware

Allison J. Foley
University of Colorado at Boulder

Antonio Ford
University of Houston, Clear Lake

Rebecca D. Foster
University of North Texas

Kelli Frakes
ITT Technical Institute

Teresa Francis
Central Washington University

Nadine Frederique
University of Maryland

Marvin D. Free, Jr.
University of Wisconsin–Whitewater

Brent Funderburk
Indiana University, Bloomington

Huan Gao
California State University, Stanislaus

Tammy S. Garland
University of Tennessee at Chattanooga

Philip Gasper
Madison Area Technical College

Gilbert Geis
University of California, Irvine

Daniel E. Georges-Abeyie
Texas Southern University

Adrianne Gilbert
Hampton University

Cynthia Golembeski
University of Wisconsin

Sean Goodison
University of Maryland–College Park

Jennifer L. Gossett
Indiana University of Pennsylvania

Gilton Christopher Grange
Bridgebuilder Consortium

Megan L. Gray
Sam Houston State University

Shani P. Gray
Valdosta State University

Tanya Greathouse
University of Colorado

Alfonzo Greenidge
Mountain View College

Sean Patrick Griffin
Penn State Abington

Timothy Griffin
University of Nevada, Reno

Georgen Guerrero
Sam Houston State University

Vikas Gumbhir
Gonzaga University

Hong-Le Ha
University of Houston, Clear Lake

Kimetta R. Hairston
Penn State Harrisburg

Anne-Marie Hakstian
Salem State College

Ralph A. Hamlett
Brevard College

Phillip J. Hammons
University of Arkansas at Little Rock

Nicole Hardy
University of Houston, Clear Lake

Kylo-Patrick R. Hart
Plymouth State University

Jennifer Hartsfield
University of Oklahoma

Rebecca Hayes
University of Florida

Ella Henderson
University of Houston, Clear Lake

Geraldine R. Henderson
Northwestern University

Howard Henderson
Sam Houston State University

Martha L. Henderson
The Citadel

Kendrick Henley
Hampton University

George E. Higgins
University of Louisville

Carly M. Hilinski
Grand Valley State University

Elizabeth Hines
University of North Carolina–Wilmington

Marigny Hluza
University of Houston, Clear Lake

Rebecca J. Howell
University of Alabama

Jennifer L. Huck
Indiana University of Pennsylvania

Don Hummer
Penn State Harrisburg

Li-Ching Hung
Mississippi State University

Scott Ingram
Indiana University, Bloomington

Robert Irving
University of Houston, Clear Lake

Jessica James
Wesley College

Richard Janikowski
University of Memphis

Michael J. Jenkins
Police Institute

Charles E. Jones
Georgia State University

Marlyn J. Jones
California State University, Sacramento

Nikki Jones
University of California, Santa Barbara

Ebone' Joseph
Hampton University

Lindsey Kane
University of Houston, Clear Lake

David Keys
New Mexico State University

Jonathan Kramer
Kutztown University of Pennsylvania

Kenneth A. Lachlan
Boston College

Jennifer L. Lanterman
Rutgers, The State University of New Jersey

Misha S. Lars
John Jay College of Criminal Justice

Jennifer Lasswell
Indiana University of Pennsylvania

Tiffany Latham
Hampton University

Kristin Lavin
Villanova University

John Lemmon
Shippensburg University

Eric Yang Liu
Baylor University

Keith Gregory Logan
Kutztown University

Melissa A. Logue
Saint Joseph's University

Lucien X. Lombardo
Old Dominion University

Billy Long
Indiana University, Southeast

Marilyn D. Lovett
South Carolina State University

Arthur J. Lurigio
Loyola University Chicago

Joan Luxenburg
University of Central Oklahoma

Michael J. Lynch
University of South Florida

David A. Mackey
Plymouth State University

Alison Marganski
Rutgers, The State University of New Jersey

Favian Alejandro Martín
Penn State Harrisburg

Damian J. Martinez
Rutgers, The State University of New Jersey

Ramiro Martinez, Jr.
Florida International University

Ryan B. Martz
Michigan State University

Kristy N. Matsuda
University of California, Irvine

James P. Mayes
North Carolina A&T

Darrell McCloud
University of Houston, Clear Lake

Elizabeth H. McConnell
University of Houston, Clear Lake

John A. McConnell
University of Houston, Clear Lake

Jack McDevitt
Northeastern University

Zina McGee
Hampton University

Karen McGuffee
University of Tennessee at Chattanooga

Kenethia L. McIntosh
Fayetteville State University

Jerome McKean
Ball State University

Joseph B. McSherry
University of Arkansas at Little Rock

Stephen E. Medvec
Holy Family University

Jon'a F. Meyer
Rutgers, The State University of New Jersey

Vincent E. Miles
Thaddeus Stevens College

Carla Miller
Virginia Polytechnic Institute and State University

J. Mitchell Miller
University of Texas at San Antonio

Debbie Mills
University of Houston, Clear Lake

David R. Montague
University of Arkansas at Little Rock

Patrice K. Morris
Rutgers, The State University of New Jersey

Lisa R. Muftić
University of North Texas

Bahiyyah M. Muhammad
Rutgers, The State University of New Jersey

Robert Muhammad
The Nation of Islam

Ed A. Muñoz
University of Wyoming

Denise D. Nation
Winston-Salem State University

Lorenda A. Naylor
University of Baltimore

Alisa Neilan
University of Houston, Clear Lake

Matthew F. Nichter
University of Wisconsin–Madison

Gwendelyn S. Nisbett
University of Oklahoma

Krystal E. Noga
Central Washington University

Rhonda Y. Ntepp
Metropolitan State College of Denver

Stephanie M. Oakley
Institute for the Study of Violent Groups

Evaristus Obinyan
Albany State University

Dan Okada
Sacramento State University

J. Michael Olivero
Central Washington University

Chibueze W. Onwudiwe
University of Teesside

Ihekwoaba D. Onwudiwe
Texas Southern University

Leanne Owen
Holy Family University

Vivian Pacheco
Rutgers, The State University of New Jersey

Wilson R. Palacios
University of South Florida

Diana Papademas
State University of New York College at Old Westbury

Rhonda Pavlu
University of Houston, Clear Lake

Brian K. Payne
Georgia State University

Terrylynn Pearlman
Indiana University of Pennsylvania

Tracy S. Penn
Gardere Law Firm

Wendy Perkins
AMP Center for Crime Prevention & Community Wellness

Rachel Philofsky
University of Maryland

Monica B. Pinalez
University of Houston, Clear Lake

Danny Pirtle
Holy Family University

Alexander W. Pisciotta
Kutztown University

William C. Plouffe, Jr.
Kutztown University

Katherine Polzer
Texas Christian University

Margarita Poteyeva
University of Delaware

Hillary Potter
University of Colorado at Boulder

Pamela Preston
Penn State Schuylkill

Byron E. Price
Texas Southern University

Todd F. Prough
Northeastern University

Doris Marie Provine
Arizona State University

Charles E. Reasons
Central Washington University

Sharon RedHawk Love
Ball State University

David A. Rembert
Sam Houston State University

Callie Marie Rennison
University of Missouri–St. Louis

Eran Reya
KMBA Enterprises, LLC

Stephen K. Rice
Seattle University

Kaylene A. Richards-Ekeh
California State University, Sacramento

Jeffrey Ian Ross
University of Baltimore

Lee E. Ross
University of Central Florida

Tawandra L. Rowell
University of Pennsylvania

Mitch Ruesink
Waukesha County Technical College

Jim Ruiz
Penn State Harrisburg

Leila Sadeghi
Rutgers, The State University of New Jersey

Laurie J. Samuel
Metropolitan (DC) Police Department

Kathryn Scarborough
Eastern Kentucky University

Amie R. Scheidegger
Brevard College

Dorothy Moses Schulz
John Jay College of Criminal Justice

Julia E. Selman-Ayetey
King's College London

Martha L. Shockey-Eckles
Saint Louis University

Elithet Silva-Martínez
University of Iowa

Phillippia Simmons
University of Houston, Clear Lake

Barbara Sims
Penn State Harrisburg

Yvonne Sims
Penn State Harrisburg

Sherry Lynn Skaggs
University of Delaware

Cary Stacy Smith
Mississippi State University

Jaclyn Smith
National Institute of Justice

Jacqueline Smith-Mason
Virginia Commonwealth University

Catherine Stern
LaGuardia Community College

Daniel P. Stevens
The Citadel

Eric A. Stewart
Florida State University

Philip Matthew Stinson
Indiana University of Pennsylvania

Jacob I. Stowell
University of Massachusetts Lowell

Ivan Y. Sun
University of Delaware

Sam Swindell
Sam Houston State University

Shenique S. Thomas
Rutgers, The State University of New Jersey

Aaron Thompson
Eastern Kentucky University

Sherrise Y. Truesdale-Moore
Minnesota State University, Mankato

Heather R. Tubman-Carbone
Rutgers, The State University of New Jersey

Deonna S. Turner
University of Houston, Clear Lake

Craig D. Uchida
Justice and Security Strategies

Alana Van Gundy-Yoder
Miami University

PJ Verrecchia
York College of Pennsylvania

Maria R. Volpe
John Jay College of Criminal Justice

Courtney A. Wade
North Dakota State University

Randy Wagner
Portland Community College

Jeffery T. Walker
University of Arkansas at Little Rock

Isis N. Walton
Virginia State University

Geoff Ward
University of California, Irvine

Judith Ann Warner
Texas A&M International University

Casey C. Watkins
University of Wyoming

Kelly Welch
Villanova University

Michael Welch
Rutgers, The State University of New Jersey

Jamie L. Weldon
Indiana University of Pennsylvania

Elvira White
Fayetteville State University

Kideste M. Wilder-Bonner
John Jay College of Criminal Justice

Patricia Wilkerson
University of Arkansas at Little Rock

Jennifer Williams
University of Houston, Clear Lake

Jerome D. Williams
University of Texas at Austin

L. Susan Williams
Kansas State University

Michael Williams
Indiana University of Pennsylvania

Robert W. Williams
Bennett College

Tonya Y. Willingham
Federal Defender Office

Keith A. Wilmot
Florida Atlantic University

Alese C. Wooditch
Penn State Harrisburg

Benjamin S. Wright
University of Baltimore

Yuning Wu
University of Delaware

LaSheila S. Yates
Southern Illinois University

Julie Yingling
Villanova University

Lisa Anne Zilney
Montclair State University

Introduction

The Field

Criminology and criminal justice involve the scientific study of crime, criminals, and the criminal justice system. Interest in the problem of crime began centuries ago, and in the 18th century, after several European countries experienced social unrest, writings about crime began to appear. During the 19th century, social scientists studied social problems, including crime and responses to it. Interest in criminology in the United States began in the late 19th century and flourished in the 20th century. Initially there were two major areas in the study of criminology: theoretical and applied criminology. Theoretical criminology included the etiology of crime, theories of criminality, typologies of crime and criminals, and the extent of crime. Applied criminology included the study of justice agencies and processes, often referred to as criminal justice, as well as the law. Today, the terms *criminology* and *criminal justice* are often used interchangeably, and the dichotomy between the two is less clear. For example, some of the subject matter in many criminology and criminal justice textbooks often overlaps although the original foci of each remain.

During the late 20th and early 21st centuries, the field of criminology has grown nationally and internationally. Today there are hundreds of undergraduate and graduate programs in the United States. Criminology is an interdisciplinary field of study with contributions to the body of knowledge by economists, historians, political scientists, psychologists, sociologists, and other scholars. The study of criminology and criminal justice has expanded considerably and includes administration of justice, comparative studies, convict criminology, critical analyses, feminist criminology, prisoner reentry, homeland security, juvenile justice, policy analyses, race and crime, and terrorism.

Rationale for the Encyclopedia

The study of race and crime has a long history in the discipline of criminology and the study of criminal justice. In the 19th century Cesare Lombroso, an Italian positivist considered by many to be the father of criminology, suggested that crime was a product of biological factors, including race (Lombroso, 1876/1911). In the early 20th century, some American scholars, including Kellor (1901), Du Bois (1904), Work (1913), Sellin (1928), Moses (1936), Shaw and McKay (1942), and Frazier (1949), countered the biological perspective by noting how social, economic, and political conditions contribute to crime, regardless of race. Early criminology texts devoted whole chapters to race and crime that not only presented crime figures but also sought to explain the trends related to race and crime (Gabbidon & Greene, 2001). At that time, race was a much broader concept that focused on minorities, especially Blacks, and took into consideration the ethnicity of White immigrants. Even so, there was not a significant emphasis on the topic (Bonger, 1943/1969) until the last quarter of the 20th century, when race and crime became a recognized specialty area of study within the field (Gabbidon, 2007; Gabbidon & Greene, 2009; Walker, Spohn, & DeLone, 2007). In fact, many criminology and criminal justice programs now either require or offer a course on race and crime as an elective.

Race has historically featured, and continues to feature, prominently in reporting on crime and justice within the United States. Incidents like the alleged rape of a Black female North Carolina

Central University student by (White male) members of the Duke University Lacrosse Team in Durham, North Carolina; the Jena 6 incident in Jena, Louisiana; the Tulia, Texas, drug arrests; the Rodney King beating; the O. J. Simpson trials in the 1990s and in 2008; and more recent racial profiling incidents remind us of the race and crime nexus.

These historical and contemporary issues signaled the need for a comprehensive compilation of relevant facts and information on topics related to race and crime and the crime and justice experiences of racial/ethnic groups in the United States. Also needed was an alternative source of information other than the media that can better explain and objectively analyze complex issues related to race and crime.

The encyclopedia is designed to provide reference material and an introduction to historical and contemporary race and crime topics. It supports study, research, and instruction by presenting brief overviews and references to more in-depth presentations in other published sources. This volume will give undergraduate and graduate students, laypersons, professionals, researchers, and scholars access to information on race and crime topics that heretofore has been difficult to find in one place. Such a volume will provide users with state-of-the-art knowledge on the topic.

Content and Organization

The encyclopedia includes entries related to race and crime that are organized in the Reader's Guide as follows:

Biographies

Cases

Concepts and Theories

Corrections

Courts

Drugs

Juvenile Justice

Media

Organizations

Police

Public Policy

Race Riots

Specific Populations

Violence and Crime

Each entry includes a definition of the term and explains how it is related to race and crime. The entries also provide cross-references to other entries that likely provide additional information on the topic. Each entry closes with a Further Readings section that provides references to additional scholarly sources on the topic.

It should be noted that the encyclopedia uses a variety of terms to describe racial and ethnic minorities. For example, it is well established that the term *race* refers to the classification of distinctive groups. In the United States, the major racial groups are Whites (also referred to as Caucasians), African Americans (also referred to as Blacks), Native Americans (also referred to as American Indians), and Asian Americans. The term *ethnicity* refers to ethnic groups that are believed to be identifiable less by race and more by culture and place of origin. For example, the largest ethnic group in America is Latinos (also referred to as Hispanics). Latinos come from the Caribbean and Latin American countries. Arab Americans represent another ethnic group that is well established in the United States.

We have followed the American Psychological Association's policy of capitalizing the terms *Black* and *White* when used to refer to race/ethnicity. We have used the term *Latina/o/s* as the plural form in entry titles; however, in the text of entries themselves, we have used the shorter form *Latinos* for typographical simplicity.

It is important to pause here to remind readers that both race and ethnicity are social constructs or terms that were created to note the differences among human groups. At the moment, scientists have found that all racial and ethnic groups have the same general biological makeup, with only 1% variation among groups. As such, the classification of humans based on race and ethnicity is severely flawed. For example, how would we classify a naturalized citizen who immigrated to the United States from another country? Should we classify him or her as African American just because his or her skin is black?

By doing so, we would not be adequately accounting for his or her unique experience. The point here is that not only the classification but also the perceptions that attach to the classifications are problematic. Therefore, someone dark-skinned from Africa might evoke a different response from someone dark-skinned from India. Why? Because even a social construct has the power to influence the way people are perceived. In sum, although this encyclopedia uses these terms, readers should consider the limitations and dangers of doing so.

Appendixes: Statistics on Race and Crime

Many of the entries in the encyclopedia include statistical data on race and crime. We have included two appendixes to help readers locate and understand this information.

Locating and Interpreting Statistical Data on Race and Crime

Two programs administered by the U.S. Department of Justice are the major sources of federal data on crime, including statistical data by racial/ethnic groups: the Uniform Crime Reporting (UCR) Program and the National Crime Victimization Survey (NCVS). Because the UCR and NCVS programs are conducted for different purposes, use different methods, and focus on somewhat different aspects of crime, the information they produce together provides a more comprehensive panorama of the nation's crime problem than either could produce alone. Appendix A provides a brief history and overview of these programs and describes the kind of information available on race and crime.

Websites With Data on Race and Crime

Appendix B contains URLs and detailed instructions on accessing statistical data from both governmental sources and various nongovernmental organizations. Users of the electronic version of the encyclopedia will be able to click on these links to go directly to the relevant websites in order to obtain the most recent data available online. This information will enable readers to explore and evaluate empirical evidence on a variety of topics related to race and crime, including the following:

Arrests
Contacts between police and the public
Death penalty
Drugs and crime
Gang membership
Hate crimes
Homicide trends in the United States
Juvenile justice
Prison populations
Racial profiling
Victimization

How the Encyclopedia Was Created

Creation of the encyclopedia involved several stages, including identifying topics, choosing headwords/entries, recruiting authors, and reviewing and editing. The preliminary list of headwords was developed by the volume editors with the assistance of Diana Axelsen, the developmental editor. Review Board members were asked to review the initial list and make revisions and suggestions via e-mail and at a meeting with the editors at the 2006 annual meeting of the American Society of Criminology. Additional headwords were suggested by contributors and as a result of emerging issues like the Jena 6 and the Supreme Court's ruling in *Kennedy v. Louisiana*.

The methods used for identifying authors included requests for contributors sent to listservs for the Division of People of Color and Crime and the Division of Women and Crime of the American Society of Criminology, the Minorities and Women's Section, regional organizations of the Academy of Criminal Justice Sciences, and the Association of Doctoral Programs in Criminology and Criminal Justice. Review Board members were also asked to identify contributors and to distribute information about the encyclopedia at their institution and among their colleagues elsewhere. The *2007 Directory of Minority Criminologists* was also a valuable resource for identifying contributors. Contributors also were identified during attendance at the annual meetings of the American Society of Criminology and the Academy of Criminal Justice Sciences and by perusing the conference programs.

Reviewing and editing of the entries began with assigning a reviewer to read, edit, and provide

feedback to the author of each entry. Entries were assigned to editors and Editorial Board members according to their expertise in criminology and criminal justice. After the initial review and editing, the entry was processed through Sage's developmental editor.

Acknowledgments

The authors would like to thank the Review Board members, Marvin D. Free, Delores Jones-Brown, Ramiro Martinez, Jr., Everette B. Penn, and Vernetta D. Young, for their assistance in both locating and reviewing entries. Countless members of the American Society of Criminology, the Academy of Criminal Justice Sciences, and the Association of Doctoral Programs in Criminology and Criminal Justice were also instrumental in helping us secure the contributors. We are especially thankful for Hillary Potter (DPCC Listserv) and Lorenzo Boyd (Minorities and Women Listserv) for repeatedly posting our messages concerning the encyclopedia. Many of our colleagues coauthored entries with graduate students, providing those students with an opportunity to experience both research and publishing. We especially thank Everette Penn and Zina McGee for working with so many of their graduate students on several entries. Elycia Daniel, our managing editor, is thanked for helping us to manage numerous tasks that the project entailed. Of course, we are grateful for the knowledgeable contributors who took time away from their busy academic (and personal) lives to write entries. We have learned so much from your work!

At Sage, we want to thank Jerry Westby for suggesting that we consider doing an encyclopedia on race and crime. Jerry put us in touch with Jim Brace-Thompson, who was supportive of the project from the beginning. Along the way, his continued positive encouragement kept us going. We also thank Laura Notton and Leticia Gutierrez for their technical assistance. A special acknowledgment is reserved for Diana Axelsen, for her invaluable assistance and for keeping us motivated to complete the final stages of the project. Thanks, Diana!

Helen would like to thank her family and colleagues for inspiration during this project. I also thank Ms. Monica Freelon, Ms. Crystal Hadnott, and Ms. Lakesha Jones for their assistance. I am grateful for the privilege and experience of working with Dr. Gabbidon on this project.

Shaun would like to thank his family for putting up with him at the computer for long hours working on another book project! I also thank Dr. Greene for her leadership on this project. There is no doubt in my mind that this project would not have been completed without her devotion. Thanks, Helen! At Penn State Harrisburg, I continue to be grateful for the outstanding research support. I thank my graduate assistant Ms. Lisa Kim for her assistance with the appendixes.

Helen Taylor Greene and Shaun L. Gabbidon

References

Bonger, W. (1969). *Race and crime.* Montclair, NJ: Patterson Smith. (Original work published 1943)

Du Bois, W. E. B. (Ed.). (1904). *Some notes on Negro crime, particularly in Georgia.* Atlanta, GA: Atlanta University Press.

Frazier, E. F. (1949). *The Negro in the United States.* New York: Macmillan.

Gabbidon, S. L. (2007). *Criminological perspectives on race and crime.* New York: Routledge.

Gabbidon, S. L., & Greene, H. T. (2001). The presence of African American scholarship in early American criminology textbooks (1918–1960). *Journal of Criminal Justice Education, 12,* 301–310.

Gabbidon, S. L., & Greene, H. T. (2009). *Race and crime* (2nd ed.). Thousand Oaks, CA: Sage.

Kellor, F. A. (1901). The criminal Negro: I. A sociological study. *The Arena, 25,* 59–68.

Lombroso, C. (1911). *Criminal man.* New York: G. P. Putnam's Sons. (Original work published 1876)

Moses, E. R. (1936). Community factors in Negro delinquency. *Journal of Negro Education, 5,* 220–227.

Sellin, T. (1928). The Negro criminal: A statistical note. *Annals of the American Academy of Political and Social Sciences, 140,* 52–64.

Shaw, C., & McKay, H. D. (1942). *Juvenile delinquency in urban areas.* Chicago: University of Chicago Press.

Walker, S., Spohn, C., & DeLone, M. (2007). *The color of justice: Race, ethnicity, crime and justice in America* (4th ed.). Belmont, CA: Wadsworth.

Work, M. N. (1913). Negro criminality in the South. *Annals of the American Academy of Political and Social Sciences, 49,* 74–80.

Abu-Jamal, Mumia (1954–)

Mumia Abu-Jamal was born Wesley Cook on April 24, 1954, in Philadelphia, Pennsylvania. An award-winning African American journalist and political activist who has contributed to dozens of newspapers, written several books, and hosted his own radio show, Abu-Jamal is currently a prisoner serving a life sentence at Pennsylvania State Correctional Institution–Greene for the 1981 murder of a police officer, Daniel Faulkner. At the time of his arrest, Abu-Jamal was the president of the Philadelphia chapter of the Association of Black Journalists and was known as "the voice of the voiceless" as a result of his news broadcasts on numerous radio stations. Dubbed a political prisoner by some, including many activists and scholars, Abu-Jamal maintains his innocence of the crime for which he was convicted and has supporters across the nation and in many foreign countries. However, there are many who claim that justice was served and that Abu-Jamal is guilty of the crime and admitted to his guilt long ago. This entry briefly reviews the political life of Mumia Abu-Jamal as well as the crime for which he has been convicted and the current status of his case.

Abu-Jamal established his status as a political activist at an early age. At the age of 14, he took part in a protest against a rally for presidential candidate George Wallace and was subsequently arrested by Philadelphia police. The arrest did not deter him from further political activism, as he became one of the founding members of the Philadelphia chapter of the Black Panther Party, an African American organization founded with the goals of promoting civil rights and self-defense, in 1968. He furthered his work with the Black Panther Party in 1970, working at the Black Panther newspaper in Oakland, California, and returning to Philadelphia a short time later. Also during the 1970s, Abu-Jamal published a piece in which he openly criticized the Philadelphia police department as well as the administration of Mayor Frank Rizzo, the former police commissioner. These criticisms increased the hostility between Abu-Jamal and the Philadelphia police department. Abu-Jamal was fired from his broadcasting job in the late 1970s as a result of his activism and began working as a night-shift cab driver to support his family.

According to his own account, in the early morning hours of December 9, 1981, Abu-Jamal was driving his cab when he saw that his younger brother, William Cook, had been pulled over by Philadelphia police. There are conflicting claims about what happened when Abu-Jamal got out of his cab; however, the following sequence of events was accepted by the jury at Abu-Jamal's trial: Cook assaulted Officer Faulkner during the traffic stop and, consequently, Faulkner attempted to control Cook, at which point Abu-Jamal got out of his cab and shot Faulkner in the back. Though wounded, Faulkner was able to return fire, leaving Abu-Jamal seriously wounded. Abu-Jamal then shot Faulkner four more times at close range,

fatally wounding the officer. Because of his injuries, Abu-Jamal was unable to leave the scene of the crime and was taken into custody by Philadelphia police. He was immediately taken to the hospital in order to receive treatment for his wounds. Several witnesses claimed that, while he was being treated, Abu-Jamal confessed to shooting Officer Faulkner. Police also claimed that the bullets found in Faulkner's brain were fired from Abu-Jamal's .38-caliber revolver.

Abu-Jamal, however, continues to claim that this sequence of events is incorrect. According to Abu-Jamal, he was sitting in his cab on December 9 when he heard gunshots and saw his brother standing in the street, staggering and dizzy. He claims that he was shot and beaten by a police officer and that someone else was responsible for the shooting death of Officer Faulkner. Abu-Jamal also maintains that he was beaten and tortured by police officers prior to receiving medical attention for his wounds.

Abu-Jamal was charged with first-degree murder and was represented by public defender Anthony Jackson at his June 1982 trial. The prosecution called a number of eyewitnesses who claimed that Abu-Jamal was the individual who shot Officer Faulkner. However, one eyewitness, who was never called to testify in the original trial, has since claimed that Abu-Jamal was not the gunman. The witness testified at a later date that police had torn up his original statement and forced him to sign another statement that implicated Abu-Jamal. Three additional witnesses claimed that, while being treated for his injuries at the hospital, Abu-Jamal admitted to shooting Officer Faulkner and expressed hope that the officer would die. Despite this, the original police report by Officer Gary Wakshul, who was with Abu-Jamal during his arrest and medical treatment, indicated that Abu-Jamal made no statement regarding Officer Faulkner and the shooting. At a later time, however, Officer Wakshul claimed that he had heard Abu-Jamal confess to the murder of Officer Faulkner on December 9. Wakshul stated that he did not think that the confession was important at the time the original police report was written. Other witnesses at the hospital have claimed that their statements regarding Abu-Jamal have been misconstrued by police and the media.

There are also a number of disagreements regarding the physical evidence in the case. While the coroner who did the autopsy on Officer Faulkner stated in his notes that the bullet he extracted was a .44-caliber, he later stated that he was simply making a rough estimate about the caliber of the bullet and claimed that the bullet that killed Faulkner had actually been a .38-caliber. It has been claimed, however, that ballistics tests have not shown that a bullet from Abu-Jamal's .38-caliber gun caused the death of Officer Faulkner.

Abu-Jamal was found guilty of first-degree murder and was sentenced to death by Judge Albert F. Sabo on May 25, 1983. In 2001, District Judge William Yohn overturned his death sentence, citing inconsistencies in the original sentencing process. On March 17, 2006, the Commonwealth of Pennsylvania filed an appeal seeking to reinstate the order for the execution of Abu-Jamal. On May 17, 2007, the U.S. Court of Appeals for the Third Circuit heard oral arguments in Abu-Jamal's appeal, with his attorneys attempting to obtain a new trial and the government seeking the reversal of Judge Yohn's overturning of Abu-Jamal's original death sentence. On March 27, 2008, the three-judge panel upheld Judge Yohn's 2001 opinion but rejected Abu-Jamal's attorneys' claims of racial bias on the part of the jury. On July 22, 2008, Abu-Jamal's petition seeking reconsideration of the decision by the full Third Circuit panel of 12 judges was denied.

Amanda K. Cox

See also Black Panther Party; Police Use of Force; Political Prisoners

Further Readings

Abu-Jamal, M. (1996). *Live from Death Row*. New York: Perennial.

Bisson, T. (2000). *On a move*. Farmington, PA: Litmus Books.

Edginton, J. (Producer/Director). (1996). *Mumia: A case for reasonable doubt?* [Motion Picture]. United States: Home Box Office.

Weinglass, L. (1995). *Race for justice: Mumia Abu-Jamal's fight against the death penalty*. Monroe, ME: Common Courage.

Abuse, Child

See Child Abuse

Abuse, Elder

See Elder Abuse

African American Gangs

As society changes, so do the perception and defining characteristics of what constitutes a gang. In 1971, Klein defined a gang as an identifiable group of youngsters who are generally perceived as a distinct aggregation by others within their neighborhoods and who recognize themselves as a denotable group that has been involved in enough delinquent incidents to call forth a consistently negative response from neighborhood residents and/or law enforcement agencies. Triplett (2004) notes that some law enforcement agencies define a gang simply as three or more youth ages 14 to 24 who associate with each other primarily to commit crimes. The media have contributed to perceptions of African American gang members and their involvement in urban violence. This entry presents historical and contemporary information on African American gangs in America, focusing in particular on the Crips and Bloods, two of the most prominent African American gangs today. Although they originated in Los Angeles, today they have a significant presence in Chicago, New York, and other large metropolitan areas. Other large African American gangs include the Chicago-based El Rukns (formed in the 1960s as the Blackstone Rangers) and the Black Gangster Disciples.

History

Early African American Gangs

The history of African American youth gangs extends as far back as the early 1900s. At that time, and until very recently, gangs were characterized by young people hanging out on street corners in certain locales. This pattern of association existed throughout the 20th century, especially in urban centers of migration including Chicago, New York City, and Los Angeles. It is thought that these early groups formed to protect their localities from other groups of youths, including immigrants from other countries. Early gangs in South Los Angeles served as an outlet for many Black youth who fought against local White youth who did not approve of Black southern immigrants in their neighborhood. These gangs often fought over parties and hangout spots that revolved around high school rivalries. Most gangs used baseball bats, bumper jacks, or an occasional knife.

During the 1960s, 50% of gangs in Los Angeles were African American. One of the first black gangs was known as Baby Cribs, later termed "Cribs" and referred to as "Crips" today. During the late 1970s and 1980s, gun use increased as gang violence escalated. The Piru Crips Street Boys (AKA Piru Street Crips) banded together against the Crips in Los Angeles and formed a gang called the Bloods. By the mid-1970s, battles between the Bloods and the Crips were common on the streets as well as in jails and prisons.

Expansion of the Crips and Bloods

Around 1970, the Crips were dressing in a fashion so as to become recognized within society; they wore black leather jackets and walked with canes. The leather jackets became a symbol of Crips membership. The Crips began to commit robberies and assaults and were involved in extortion of merchandise, mugging the elderly, and ripping off weak youth.

By the 1980s, the Bloods' gang membership had expanded. Members wore red as a sign of their gang identity. Their involvement in selling drugs increased. Selling narcotics was a major part of the gangster lifestyle, bringing in large sums of money and more powerful weapons.

With the expansion of the Bloods and Crips, violence increased within the inner cities. Gangs and the war on drugs became a federal concern. In 1992, a coalition of gang leaders from 28 cities participated in a National Gang Peace Summit in Chicago to call for a truce in gang violence.

Media Portrayals of Gang Life

During the 1990s, rap music became a way of promoting the gangster lifestyle. This genre of music was the voice for many unprivileged minority youth within the inner-city ghettos. Through rap music, many gang members now had a way of expressing their voice on their personal world of values, culture, and general gangster life. The gangster life was no longer just an inner-city street problem. Many gangsters now had a way to make money from their lyrics, and record sales enabled them to launder illegal drug money through record sales. Much of the gangster life expounded from the underground rap world to mainstream society. For example, the Black Entertainment Television (BET) network created shows that mimicked the life of street gangsters. Although the rap music industry became a trivial market for gangs, it exposed the world to images of young men and women who glorified drug use, dealing, robberies, assaults, drive-by shootings, alcohol abuse, and violence directed at their perceived enemies.

Contemporary African American Gangs

According to the U.S. Department of Justice's National Youth Gang Survey for 2006, approximately 785,000 gang members and 26,500 gangs were active in the United States. The great majority of the nation's street gang members are male, and about a third are African American. One prominent feature of African American gangs today is that they tend to be concentrated in disenfranchised neighborhoods with high levels of poverty and drugs. Gangs have spread to rural and suburban areas as well. African American gangs have had a profound influence on street gang culture.

The term O. G. (Original Gangster) refers to an older gang member who has been a member of a gang since it began. These members may have jobs and families, so they typically are less involved in day-to-day gang life. Nevertheless, they still take part in some gang activities; for example, they may attend the funeral of another gang member to pay respect. Although data on the age of gang members are limited, the Department of Justice noted that during the period from 1996 to 1998, the percentage of gang members ages 18 and older increased from 50% to 60%.

Today the Bloods and Crips both are involved in illegal immigration trafficking, drug trafficking, intergang conflicts, robbery, burglary, and assaults, as well as nondelinquent acts such as partying. According to the 2006 National Youth Gang Survey, the majority of gangs in rural areas and smaller cities reported no gang-related homicides (86% and 89%, respectively; however, most cities with populations greater than 100,000 reported one or more gang-related homicides (i.e., homicides in which the perpetrator and/or the victim was a gang member). The crimes that increased the most in 2006 (compared to 2004 and 2005) were assault and drug sales, followed by robbery, larceny/theft, burglary, and auto theft.

African American gangs like the Bloods and the Crips remain very stable today and continue to be a challenge to the rest of society. Moving from illegal drugs to auto theft, extortion, property crimes, and home invasion, some East Coast gangs have begun trafficking in fraudulent identification papers that could be used by terrorists.

Heather Alaniz

See also Asian American Gangs; Female Gangs; Hip Hop, Rap, and Delinquency; Latino Gangs; Media Portrayals of African Americans

Further Readings

Egley, A., Jr., & O'Donnell, C. E. (2008, August). Highlights of the 2006 National Youth Gang Survey. *OJJDP Fact Sheet* (FS-200805). Retrieved from http://www.ncjrs.gov/pdffiles1/ojjdp/fs200805.pdf

Klein, M. W. (1971). *Street gangs and street workers.* Englewood Cliffs, NJ: Prentice Hall.

Morris, D., & Williams, T. (2008). *War of the Bloods in my veins: A street soldier's march toward redemption.* New York: Scribner/Simon & Schuster.

Triplett, W. (2004). Gang crisis. *Congressional Quarterly Researcher, 14*(18), 421–444.

Websites

National Youth Gang Center: http://www.iir.com/nygc

African Americans

The fundamental contradiction in American sociopolitical and economic history is race. Race theory has been used to perpetuate a caste system in America. An integral postulate of this theory asserts that there is a direct correlation between African American identity and criminal behavior. This entry presents a brief historical look at the issue of race and crime as it relates to African Americans, examines some of the erroneous and pejorative opinions on African American identity, and reviews African American experience and the historical evolution of African American identity. The entry concludes with a discussion of African Americans as perpetrators and victims of crime and contemporary views of African American criminology.

Historical Perspective

There are two primary considerations in any discussion of African Americans and crime: (1) African American identity and (2) the depiction of African Americans as criminals and as victims. Historic racial attitudes in the United States have characterized African Americans as being predisposed to criminal activity because of culture, immorality, psychological and genetic inferiority, and religious theology and ideology; for example, the mark of Cain and the curse of Ham. One of the results of these attitudes has been the disparate treatment of African Americans by judicial and/or extrajudicial processes. The rights heralded by the Declaration of Independence and the privileges and immunities provided for by the U.S. Constitution were not originally intended for African Americans. Richard Bardolph, in his work *The Civil Rights Record: Black Americans and the Law, 1849–1970* (1970), carefully chronicled, as have many other scholars, the relegation of African Americans to an inferior legal and social status in American society. The American legal system operates as two systems, one for White citizens and another for African Americans as exemplified in the *State v. Celia* (1855), *Dred Scott v. Sanford* (1858), and the *Plessy v. Ferguson* (1896) decisions. The disproportionate presence of African Americans in the criminal justice system is partially attributable to the racial legacy in the legal system. There are some, however, who believe that the correlation between African Americans and crime is the result not of a "White conspiracy" or racist criminal justice system, but of the socioeconomic condition and/or cultural behavior of African Americans. Other academics and policy analysts simply conclude that African Americans appear in crime statistics more often than others because they commit more of the crimes that are documented.

The debate over African American criminology is centuries old. Dispelling the pejorative notions of Black crime was an important part of the "uplift the race" advocacy in the 19th and 20th centuries. African American religious leaders, reformers, and academics used every medium and opportunity to argue against a direct correlation between race and crime, and more specifically, between their race and crime. Among these advocates were prominent African American sociologists W. E. B. Du Bois, Charles Spurgeon Johnson, Kelly Miller, and Ira de Augustine Reid. In response to a dominant society that believed otherwise, they asserted that the alleged correlation between race and criminal behavior was spurious.

African American Identity

For the greater part of African American history, African American identity was created and controlled by non–African Americans. As a condition of their servitude and suppression, the majority of African Americans were kept illiterate. Thus for many years they were either unable or prohibited from asserting their identity within the dominant society. It is not that African Americans lacked awareness of their history and personality beyond what White people thought; it is simply that Whites controlled the intellectual products, be they government records, literature, sermons, or scientific treatises. The portrayal of African Americans in these items was through the eyes of a domineering and hostile society.

Contemporary African American identity is complex. It begins with the Africans, free and slave, who helped the Spaniards and Portuguese explore the Americas. Africans and their descendants also

participated in the clash and synthesis of cultures that unfolded in the Americas—indigenous, European, and African. In the 19th and 20th centuries, the African American population in the United States diversified, experiencing significant growth from African immigration and migration from other Blacks in the Diaspora. The 2006 American Community Survey of the U.S. Census Bureau reported that among the Black population in the United States, there were more than 1.2 million Africans of foreign birth. Of the 35 million Blacks in the United States in 2006, nearly 2.3 million listed their ancestry as sub-Saharan Africa, and 2.2 million listed their ancestry as West Indian (non-Hispanic). Contemporary American Blacks are a diverse group who do not necessarily identify with one another.

The Encounter: Origins of a New Identity

African American identity is a derivative of the African historical experience. The Africans' encounter with Europeans, both in their indigenous lands and in European indigenous lands, resulted in the reconstruction of African identity. Africans have had a historic presence in the Mediterranean region, the Near East, and what is now Europe. Ancient texts from a variety of sources document the presence of Africans without making the geographic distinction between Northern Africa and sub-Saharan Africa. A new identity for Africans did not begin to develop until the 15th century C.E., when Europe had emerged as a distinct entity, Northern Africa had succumbed to several invasions and become principally Arab, and the Portuguese had begun their slave trade in Africans. The development of a new identity for the African facilitated European imperialism, religious evangelism, and scientific quest. European imperialism reduced millions of Africans to forced laborers in "New World" colonies. Africans were transformed into commodities and valued for their commercial utility rather than their humanity. In both Christian and Islamic evangelism, the African was declared a heathen and thus eligible for enslavement, exploitation, and "redemption."

Science as a means for understanding the natural world was adapted to explaining and organizing human society. "Scientific" race theory postulates that distinguishing physiological traits among humans, such as skin color, defined racial groups and determined the innate abilities of each racial group. This theory supported the classification of Africans as subhuman, thus justifying exploitation of, experimentation on, and the expendability of Africans.

Transformation: From African to African American

The reconstruction of the African identity into African American identity is based on four historic experiences: (1) the Middle Passage, (2) seasoning or slave breaking, (3) slavery, and (4) class oppression. The African Diaspora in the Americas shares these four historic experiences. The following discussion, however, focuses primarily on the experience of African Americans in the United States.

The process of capture and sale of African *humans* to slave traders began the transformation from African to African American. The collection of various Africans at slave ports merely represented the diversity of African ethnicity. The Middle Passage, however, forged diverse ethnic groups of Africans into a new "tribe." The passage across the Atlantic Ocean marked a traumatic departure from "Mother Africa" and created a class of people united by this journey. Other than the thousands of Africans spirited away by Arabs to work on salt plantations in the Fertile Crescent centuries earlier, the Middle Passage was an unprecedented initiation. These Africans entered the holds of ships with memories of their native communities; they emerged as a new people.

Upon arriving in the New World, Africans had to be transformed into a single labor force. The objective of seasoning/breaking the African was to create a slave, a subservient laborer. This process required force and violence. It required the suppression of native language, values, family structures, religious practices, and so on. These were replaced by the social usage created by the masters of the slave society to perpetuate the condition and mentality of servitude and subservience. After many generations, the memories of Africa faded and the African became an African American.

Slavery and subservient caste status were both de jure and de facto. While there are several prominent exceptions, slavery was the primary condition of the majority of African Americans. All

African Americans, however, whether slave or free, suffered the status of a subservient caste. The exploitation of African American labor survived the legal demise of slavery. The litany of exploitative and demeaning acts experienced by African Americans included, but was not limited to, chain gangs and other forced labor schemes, forced rape and prostitution, pay disparity, lynching and other forms of summary judgment, deprivation, property seizures, substandard education facilities, and workplace segregation. In 1896, the U.S. Supreme Court in its *Plessy v. Ferguson* decision lent the force of law to the American caste system.

As a class of people, African Americans were not only deprived but also despised. Many Whites who had fought in the Civil War and supported Reconstruction believed that there was little government could do to change customs and racial attitudes in American society. Nineteenth-century science and social science convinced many Whites that racial differences made political and economic equality impossible. Thus a culture of prejudice and violence permeated the American experience of African Americans. For example, in the 2-year period from 1892 to 1893 an estimated 150 blacks were lynched and mutilated each year. Justifications for the caste structure were reinforced by scientific, sexual, and religious myths. One such myth promoted the notion that African Americans were predisposed to criminal behavior.

Diversity in the Face of Adversity

African Americans are not a monolithic group. It is true that enslavement, slavery, and racial oppression forged a new identity for captured Africans. It is equally true, however, that African Americans, despite their common experience, retained and developed elements of diversity. The African American population is diverse ethnically, racially, and by class.

Ethnic diversity among African Americans stems from a number of factors. First, vestiges of African culture survived the seasoning process, and the transformation did not always produce the same results. For example, the sea coast islands of the Carolinas and Georgia, the tidewater regions of the Atlantic Coast, and the bayous of Louisiana and Mississippi all contain African Americans with peculiar customs and vernaculars. Urban and rural environments also contributed to diversity. The plantation life of African Americans often contrasted with that of slaves living in towns and cities. African Americans were profoundly affected by the language and culture of their masters. As a result they spoke several European languages, properly and in the vernacular. American societies, both domestic and foreign, were dynamic, and people, especially African Americans, moved frequently. The myriad of cultural inputs into their identity caused continual change in their self-awareness and self-expression.

Race is not a natural attribute but a theoretical construct invented to distinguish humans politically, economically, and socially. The concept of race was once construed as a scientific certainty, but in contemporary discourse it is understood as a social construct. In the United States, racial constructs delineated social caste and thus determined the American experience of individuals and groups of individuals. Privilege was reserved for Whites. To varying degrees, Asians, Hispanics, and Native Americans were less privileged and were subject to prejudice and racial violence. African Americans occupied the lowest caste in American society. Skin color and other physical features emerged as an obsession in social interaction. Complicating the operation of the racial caste system was the inevitable and sometimes unwelcome intermingling of the races. While the quantum of blood varied for all other castes, one drop of "Black" blood made a person Black. The blood quantum for racial classification was established as a de jure standard by many states in their statutes. The one-drop rule replaced many of the older race identification statutes, and between 1910 and 1931 as many as 20 states codified the one-drop rule. In 1967, the U.S. Supreme Court ruled Virginia's Racial Integrity Act unconstitutional in *Loving v. Virginia,* thus invalidating the one-drop rule. Many "one droppers" were White enough to "pass" the color bar. Those who could not pass remained within the African American community, making it racially diverse. Thus, in contemporary American society, Blacks come in all shades of complexion, eye color, and hair texture.

Crime and African Americans

While attending a conference on crime and police, the late mayor of Atlanta, Maynard Jackson,

stated that "race should not raise the presumption of criminality." However, it is still common for many Americans to interpret the criminal behavior of African Americans as a function of their race. African Americans are more often seen as criminals than the victims of crime. Recent studies have challenged each of these views.

African Americans as Criminals

African Americans are disproportionately represented in the criminal justice system. Historically, in the past 50 years they have represented 11% to 12% of the general population of the United States (12.3% according to the 2000 census). Their percentage of arrests, convictions, and persons under state and federal correctional supervision exceeds their representation in the general population. For example, the *Uniform Crime Report* in 2006 reported that Blacks accounted for 28.0% of total arrests; Whites accounted for 69.7%. In 2003 the Bureau of Justice Statistics (BJS) reported that Blacks accounted for 27.7% of new court commitments to state prison for violent offenses; Whites accounted for 26.1%. BJS reported in June 2007 that there were 4,618 Black men in prison for every 100,000 Black males in the U.S. population. Whites had only 773 men in prison per 100,000 White males and Hispanics had 1,747 men in prison per 100,000 Hispanic males. In its 2004 bulletin reporting on prison populations, BJS stated that 8.4% of Black males between the ages of 25 and 29 were incarcerated. For the same period and age demographic, only 1.2% of Whites and 2.5% of Hispanics were incarcerated in state and federal prisons. BJS also reported that, in 1986, 5.7% of African Americans were under correctional supervision, and by 1997 that number had increased to 9.0%. By comparison, the percentage of Whites under correctional supervision was 1.4% in 1986 and 2.0% in 1997. It is reasonable to infer that African Americans have a greater encounter with the criminal justice system than do other segments of the population. The statistics do not, however, support race-based criminological explanations. Pronounced poverty and discrimination have played major roles in criminological explanations of African Americans and crime.

African Americans as Victims

African American victims of crime are nearly invisible. The typical image of the offender is African American, and the typical victim of crime is depicted as White. The data, however, suggest otherwise. BJS, in its report on criminal victimization for 2005 (National Crime Victim Survey), reported that "males, blacks and persons age 25 or younger continued to be victimized at higher rates than females, whites and persons age 25 and older." In addition, Blacks accounted for 47.6% of murder victims and Whites accounted for 49.8%. In 1993 the violent victimization rate for Blacks was 67.4 per 1,000 persons age 12 or older, and it was 47.9 per 1,000 for Whites. By 2005 the violent victimization rates had declined for both groups: 20.1 per 1,000 for Whites and 27.0 per 1,000 for Blacks. The rates of violent victimization for crimes such as rape, robbery, and assault were reported greater for African Americans than Whites in 2005. Reported victim perceptions of offenders also contradict popular notions of offender identity. Again, according to statistics reported by BJS, *Criminal Victimization in the United States* (1996), 63.1% of victims perceived the race of the violent offenders as White and 27.3% as Black. Other data suggest that most victims are offended by persons of their own race.

African Americans report two other types of victimization: lynching and police brutality. Lynching was a prevalent form of violence used by Whites against African Americans for many years, and as a crime it often was unreported, underreported, and unpunished. Police brutality is a contemporary and controversial subject. Many African Americans believe that excessive use of force by police has been and continues to be brutal and lethal. The acquittal of officers in cases litigating their accountability for excessive use of force has led to demonstrations, boycotts, and riots.

Conclusion

In contemporary culture, the very stereotypes and idioms early generations fought to dispel have become normative behavior in some segments of the African American community. Deviant criminal behavior operates as a community value system and commercial enterprise. At the same

time that authors Richard Herrnstein and Charles Murray published their research on the correlation between intelligence, class structure, and criminal behavior in American society, young African Americans were embracing criminal and prison values. The "gangsta" culture helps perpetuate the historic myth of Black criminality. At best, it is difficult in the present context to argue that the criminal justice system is racist. The disproportionate presence of African Americans in the criminal justice system may be attributable to racial disparity in American justice, but it may also be due to an increase in African American criminal behavior.

James P. Mayes

See also Chain Gangs; Hip Hop, Rap, and Delinquency; Slavery and Violence; Victimization, African American

Further Readings

Ajayi, J. F. A., & Crowder, M. (Eds.). (1972). *History of West Africa*. New York: Columbia University Press.

Bardolph, R. (Ed.). (1970). *The civil rights record: Black Americans and the law, 1849–1970*. New York: T. Y. Crowell.

Blassingame, J. W. (1979). *The slave community: Plantation life in the Antebellum South*. New York: Oxford University Press.

Chambers, B. (Ed.). (1968). *Chronicles of Black protest*. Denver: Mentor Books.

Dain, B. R. (2002). *A hideous monster of the mind: American race theory in the early republic*. Cambridge, MA: Harvard University Press.

Delgado, R., & Stefancic, J. (2001). *Critical race theory: An introduction*. New York: New York University Press.

Franklin, J. H. (Ed.). (1968). *Color and race*. Boston: Beacon Press.

Gabbidon, S. L., & Greene, H. T. (2001). *African American classics in criminology and criminal justice*. Thousand Oaks, CA: Sage.

Higginbotham, A. L. (1973). Racism and the early American legal process, 1619–1896. *Annals of the American Academy of Political and Social Science, 407*(1), 1–17.

Higginbotham, A. L. (1996). *Shades of freedom: Racial politics and presumptions of the American legal process*. New York: Oxford University Press.

Nash, G. B. (1974). *Red, White and Black: The peoples of early America*. Englewood Cliffs, NJ: Prentice Hall.

White, W. L. (1948). *Lost boundaries*. New York: Harcourt, Brace & Company.

ALIENATION

Alienation is the separation of an individual from another human being or group of people. The act of alienation is unfriendly and hurtful and causes the individual who is alienated to become excluded from a particular societal unit (i.e., family, community, school, state, government, etc.). The theory of alienation as presented by Karl Marx linked alienation to human experience and relationships in various domains of society. When individuals are alienated, they are taken away from themselves and from human possibilities that create and define their experiences. The implications and effects of alienation often result in humiliation and degradation of character, which can lead to retaliation, murder, suicide, and/or some other tragic incident on the part of the alienated individual.

Alienation can take several forms, including cultural and political, educational, and societal. Individuals who are alienated experience dehumanization and lack of compassion from others who dwell in the same society. Often these alienated individuals retaliate with harmful acts toward themselves and/or others in the societal setting in which they were alienated. Acts of violence by such individuals may result in their being placed in jails or other restricted institutions, further alienating them from society. When an individual's family, peers, state, government, or other societal component displaces him or her, the individual is forced out of the normal growth and experiences that can occur in his or her life.

Cultural and Political Alienation

Cultural and political alienation can be linked together because the laws of a state or country can contribute to cultural alienation. An immigrant—a person who migrates to another country for permanent residence—may be classified as an alien and excluded from certain benefits and rights reserved for citizens. Race, ethnicity, and immigrant status are key factors for cultural and political alienation. The term *alien* itself suggests difference from societal laws and norms.

In the United States, immigrants who abide by the laws of the United States and meet certain

requirements can achieve U.S. citizenship. However, some immigrants who did not comply with U.S. immigration laws when they entered the United States are referred to as "illegal aliens" and often experience more difficulty obtaining U.S. citizenship. Thus, they are alienated from laws and rights that U.S. citizens possess and are excluded from voting and other political activities.

Controversy regarding cultural and political alienation exists because some cultural and ethnic groups have a more difficult time obtaining citizenship than others. For example, of the estimated 8.5 million illegal aliens in the United States, 4.5 million of those individuals are Mexican. Negative stereotypes have developed around this cultural group, and many Mexicans living in the United States often experience ridicule and become targets of discrimination, even after they become citizens. As Mexicans and other immigrants and minorities filter into American society, they may fall victim to other forms of alienation as well, such as educational alienation.

Educational Alienation

There are several examples of alienation in education that link to culture and politics. Racism and lack of social assimilation play key roles in educational alienation. Social assimilation occurs when a person is accepted into a particular group because he or she conforms to certain rules and practices. In a school setting, these groups are referred to as "cliques." Students who are English as a second language (ESL) speakers, minorities, and/or social outcasts from peers may be alienated by teachers and other students. As the number of immigrants to America continues to increase, the number of ESL students also grows. Some of these students are placed in ESL classes because they need extra help in certain subject areas. However, sometimes these students are placed in ESL classes simply because of their ethnic identity. When schools alienate certain students due to ethnicity and dialect differences, these students are isolated from their fellow classmates and may be deprived of an equal education. Alienation can lead to inadequate education and an achievement gap not only for ESL students but for other groups as well, such as African American students.

The achievement gap can be linked to the lack of multicultural education curriculum in their schools. Multicultural education integrates critical and social pedagogies and ideas that focus on diverse cultural beliefs, attitudes, and behaviors in schools and other educational settings. The concept is built upon freedom, equality, justice, equity, and human dignity—philosophical ideals that were written in the U.S. Constitution and Declaration of Independence. Students affected by this type of educational alienation often have low self-esteem and score low on standardized tests. Race and culture are the key components for minorities in education with regard to alienation. Students who are not socially assimilated, considered unpopular or different, and made to feel dehumanized often experience another form of alienation, referred to as "social alienation."

Social Alienation

Alienation in social relations has increased worldwide. One indication of such alienation is the increasing number of school shootings by teens and adults in the United States during the past 9 years. From February 1996 to November 2007, there were 51 documented incidents of school shootings worldwide; 38 occurred in America. The majority of the teens committing these school shootings were described by the media as "teens alienated" from society. Their adult assailants were described as "isolated" and "alienated" as well. The final outcomes of the school shootings were murder-suicides. The alienation of the shooters from friends, families, and other social norms led to retaliation, cruel and devastating injuries to the victims, and death.

Another example of societal alienation is parental alienation. In this form of alienation, a parent alienates an estranged partner from their children. The alienation extends to the person being alienated from his or her family. Often this occurs in custody battles, when one parent may tell untruths to children to keep the other parent at a disadvantage. Fathers are more likely than mothers to experience parental alienation. The children, although not the intended target, may feel alienated as a result of being disconnected from their father and/or other family members. The parental alienation often leads to depression, remorse, and hatred.

Kimetta R. Hairston

See also Colonial Model; Dehumanization of Blacks; School Shootings

Further Readings

May, S. (1999). *Critical multiculturalism: Rethinking multicultural and antiracist education*. New York: RoutledgeFalmer.

Schacht, R. (1994). *The future of alienation*. Chicago: University of Illinois Press.

Smith, D. G., & Wolf-Wendel, L. E. (2005). The challenge of diversity: Involvement or alienation in the academy? *ASHE Higher Education Report, 31*(1). Hoboken, NJ: Jossey-Bass.

A timeline of recent school shootings. (2007, December). *Daily Almanac*. Available at http://www.infoplease.com

Alliance for Justice

The Alliance for Justice (AFJ) is one of several organizations dedicated to the pursuit of justice for all Americans, which includes the provision of legal representation and advocacy in areas such as consumer rights, civil rights, and human rights. The AFJ was founded by Nan Aron in 1979 with 20 advocacy groups. Twenty-eight years later, the AFJ comprises 78 advocacy groups on the national, local, and regional levels that are associated with a variety of related causes (e.g., women's rights, environmental protection, civil rights, children's rights, and mental health). Since its founding, the AFJ has worked to influence public policy through lobbying, court cases, partnering with nonprofits, and student groups. In the United States, historically race and ethnicity have been significant in the ways in which justice is administered, especially in regard to the equitable application of justice (e.g., equal prosecution and disposition of similar crimes regardless of race) and the provision of judicial protection (e.g., prohibition of civil rights violations). This entry discusses ways in which the AFJ has historically advocated for equal justice for all Americans and how it is currently fulfilling its mission. It also describes the various waysthe advocacy agenda of the AFJ directly and indirectly relates to racial and ethnic issues of justice.

Several conditions must be met to ensure the equitable application of justice and judicial protection regardless of race. Two of the most important factors are the existence of a fair and independent judiciary and open access to the courts. It would be impossible to define, restore, and preserve human and civil rights and liberties without the existence of these factors. The AFJ advocates a fair and independent judiciary, open access to the courts, and the protection of human and civil rights and liberties primarily through the support for education; political lobbying; and immediate public responses to related court cases (e.g., the revocation of parents' voluntary school desegregation rights and racial discrimination in the workplace), legislation (e.g., Habeas Corpus Restoration Act of 2007), and judicial selection, especially at the federal level (e.g., U.S. Supreme Court nominees).

AFJ Projects

In addition to advocating for unimpeded access to the courts and human and civil rights and liberties, the AFJ provides information about current issues related to the administration of justice in the United States, such as the free speech rights of nonprofits, ways to counteract attempts to expand executive power, and the location of fair judges and independent courts. The AFJ has undertaken several projects to accomplish **its** organizational objectives and fulfill the organizational mission.

The Nonprofit Advocacy Project and the Foundation Advocacy Initiative

Nonprofit organizations have always been actively involved in community issues. The AFJ recognized that nonprofit organizations could also become actively involved in political issues (e.g., public policy debates) on the national level. In 1983 the AFJ launched the Nonprofit Advocacy Project to educate nonprofit organizations on the laws that regulate the extent to which nonprofit organizations can participate in national political issues. Ten years later, to further support the efforts of the Nonprofit Advocacy Project, the Foundation Advocacy Initiative was launched to encourage

foundations to support the advocacy efforts (e.g., lobbying) of organizations.

The Judicial Selection Project

In 1984, numerous federal judgeship vacancies desperately needed to be filled in order to respond to rapidly increasing caseloads (civil and criminal). Understanding the importance of the selection of federal judges who were committed to the administration of equitable justice and judicial protection, the AFJ launched the Judicial Selection Project. Since its inception, the Judicial Selection Project has monitored the nominations of all judges at the federal level, including nominations to the U.S. Supreme Court. The AFJ continues to provide federal judicial nomination information to the public, and it encourages members of the public to become involved in the selection and confirmation of federal judiciary. It has been successful in influencing the defeat of judicial nominations to the U.S. Supreme Court (e.g., that of Robert Bork, nominated by President Ronald Reagan in 1987) and has actively supported the nomination of African American and women judges to various judgeships in the federal judiciary (including the U.S. Supreme Court).

Access to Justice Project

The AFJ continues to advocate for the equitable provision of rights to all Americans regardless of their demographics (e.g., race, ethnicity, gender, age, or income). Not only is it important to ensure that all people have continued open access to the courts; it is also paramount that those parties responsible for wrongdoing—including individuals, government entities, corporations—be brought to justice. In 2003, in order to continue to advocate for these rights in the 21st century, the AFJ launched the Access to Justice Project. This project is designed to pursue the AFJ's progressive agenda through the involvement of a network of various organizations and individuals, including nonprofits, corporations, unions, environmental groups, student organizations, academia, and bar associations.

Shani P. Gray

See also National Urban League; Racial Justice Act; Vera Institute of Justice

Further Readings

Alliance for Justice. (1995). *Being a player*. Washington, DC: Author.

Alliance for Justice. (2006). *Strategies for creating and operating 501(c)(3)s, 501(c)(4)s, and political organizations*. Washington, DC: Author.

Aron, N. (1989). *Liberty and justice for all: Public interest law in the 1980s and beyond*. Boulder, CO: Westview.

Websites

Alliance for Justice: http://afj.org

American Indians

See Native American Courts; Native American Massacres; Native Americans; Native Americans: Culture, Identity, and the Criminal Justice System; Native Americans and Substance Abuse

Anti-Defamation League

The Anti-Defamation League (ADL) is an advocacy organization established in New York in 1913 to stop, by appeals to reason and conscience, and if necessary, by appeals to law, the defamation of the Jewish people; to secure justice and fair treatment to all citizens; and to put an end forever to unjust and unfair discrimination against and ridicule of any sect or body of citizens. The ADL has 30 regional offices in the United States and three overseas offices in Israel, Russia, and Italy and an annual budget of more than $50 million. Local efforts include assisting law enforcement agencies to investigate and prosecute extremists, rallying support for Israel, advocating for the separation of church and state, organizing outreach efforts between diverse ethnic and religious groups, providing anti-bias and diversity training, monitoring extremist activity, and publishing Holocaust and tolerance curricula. The ADL

meets with U.S. and foreign leaders, assesses hate crimes and anti-Semitism in various countries, disseminates pro-Israel information, and addresses anti-Semitism in media. The entry examines the history of the ADL's efforts and successes in challenging anti-Semitism, religious and racial intolerance, advocacy on behalf of the state of Israel, as well as some of the institutional changes, controversies, and criticisms.

ADL: 1900–1940s

In 1913, Leo Frank, a Jewish factory executive and president of the B'nai B'rith lodge in Atlanta, was wrongly convicted of murdering a 13-year-old girl and was then lynched by an angry mob shortly after the judge commuted his death sentence. The trial and related incidents of injustice and prejudice gave impetus to the revival of the Ku Klux Klan, as well as the formation of the ADL as the first organization to explicitly address anti-Semitism. Sigmund Livingston, a young Chicago lawyer, started the ADL with $200 and the sponsorship of the Independent Order of B'nai B'rith, a Jewish service organization established in 1843.

At the onset of the 20th century, the United States was home to approximately 1 million Jews and the third largest Jewish population center in the world. Substantial anti-Semitic hostility and discrimination contributed to resorts featuring signs warning "No dogs! No Jews!" and magazines publishing derogatory caricatures of Jewish people. The ADL promoted and ensured fair, accurate, and inclusive representations on stage, in film, and in print media as a means of eliminating anti-Semitism and discrimination. Adolph Ochs, *New York Times* publisher and an ADL executive committee member, contributed toward a vast reduction in defamatory cultural representations by sending letters to newspaper editors throughout the United States discouraging the use of objectionable and vulgar references to Jews in the media.

Throughout the 1920s, the ADL sought to address the public bigotry and anti-Semitism of the Ku Klux Klan, whose membership numbered in the millions. Henry Ford's distribution of the anti-Semitic and literary forgery, *The Protocols of the Elders of Zion,* alleging a Jewish and Masonic plot to achieve world domination, became another focus of attention for the ADL, which was able to debunk the widely circulated text as a hoax. Livingston circulated pamphlets, and the ADL solicited the aid of President Woodrow Wilson and others to denounce Ford's anti-Semitism. After years of censure, Ford publicly apologized and expressed hope that hatred of the Jews, commonly known as anti-Semitism, and hatred against any other racial or religious groups shall cease for all times.

The Great Depression was followed by Hitler's ascendance to power, which ushered in support and funds for an array of fascist groups in the United States, including such leaders as Fritz Kuhn of the German-American Bund and Charles Coughlin of the pro-fascist Christian Front. The ADL embarked on public education campaigns and jointly produced a monograph countering Coughlin's anti-Semitic claims and proving that he plagiarized a speech by Joseph Goebbels. The ADL expanded its staff during the 1930s and established its fact-finding and information-gathering operation centering on extremist individuals and organizations.

Throughout the 1940s and 1950s, the ADL continued to raise public awareness and to investigate fascist groups in the United States. Postwar aftermath found the ADL working on behalf of civil rights legislation enactment and campaigning against Jewish quotas in college and university admissions as well as discrimination in housing, employment, and education. In 1948, the U.S. Supreme Court case of *Shelly v. Kraemer* resulted in the declaration of restrictive covenants as unenforceable. The ADL focused its efforts toward reforming restrictive immigration laws and filed an amicus brief in the 1948 landmark Supreme Court case *McCollum v. Board of Education* in order to question the constitutionality of "released time" for religious instruction held in tax-supported public school classrooms.

ADL: 1950–1970s

The ADL continued its crusade against prejudice and bigotry by joining forces with a sympathetic southern journalist who infiltrated the Klan and retrieved information that was delivered to law enforcement authorities and the press. Following President Dwight Eisenhower's signing of the first

civil rights bill approved by Congress since Reconstruction, the ADL filed an amicus curiae brief in the 1954 landmark case of *Brown v. Board of Education*. The ADL launched a large-scale educational effort to eliminate intolerance, bigotry, and anti-Semitism and developed tools to teach democracy and to challenge right-wing extremism and McCarthyism.

The ADL actively worked for the passage of the Civil Rights Acts of 1964 and 1968 and the Voting Rights Act of 1965. The ADL publications exposed ideas disseminated by the radical right and countered the anti-Catholic bias levied against John F. Kennedy's presidential campaign. Moreover, the ADL commissioned University of California sociologists to investigate anti-Semitism and prejudice in U.S. life, which resulted in a series of publications. The ADL presented study findings at the Vatican II Council and sponsored interfaith conferences and educational programs, which resulted in the Vatican Council's public statement on the Jews, repudiating Jewish guilt in the death of Jesus and denouncing hatred, persecutions, and displays of anti-Semitism directed against Jews at any time by any one. The ADL also assisted with the U.S. Supreme Court case *Engel v. Vitale* in 1962, resulting in a decision that the recitation of prayers in public schools is unconstitutional.

Following the Yom Kippur War of 1973, the ADL attempted to foster support for the state of Israel, which was established in 1948, and condemned the 1975 UN resolution that equated Zionism with racism. Several ADL publications asserted that the Palestinian Liberation Organization (PLO) was involved in terrorist activity. In addition, ADL leaders played a key role in the passage of the 1977 Anti-Boycott Bill, banning U.S. participation in the Arab blacklist against firms doing business in Israel. The ADL also launched a missions program to Israel and expanded an exchange program in Germany.

Although the ADL became a leading civil rights organization and a key actor in the Black-Jewish alliance, the advent of the Black power movement contributed to a shift in the league's priorities toward focusing on extremism. In 1974, an ADL study titled *The New Anti-Semitism* reflected perceptions of insensitivity and indifference toward Jews on the part of various individuals and organizations in the United States and abroad, which prompted books with similar arguments to be published in 1982 and 2003. Scholars such as Walter Laqueur and Norman Finkelstein have criticized such claims and posited that there is little evidence of new anti-Semitism in North American society, although there may be disapproval of some Israeli policies. Moreover, Noam Chomsky and Rabbi Michael Lerner contend that the ADL categorizes any criticism of Israel, even by Jews, as anti-Semitic, while more traditional forms of anti-Semitism may be neglected.

ADL: 1980s–Present

By the late 1970s, the ADL established the Braun Center for Holocaust Studies and founded regional offices throughout the United States and offices in Israel and Europe. Initiating a media campaign in the 1980s, the ADL denounced Soviet human rights violations and urged the U.S.S.R. to allow Jews to emigrate. The ADL's annual *Audit of Anti-Semitic Incidents,* which includes all hate crimes, was first published in 1979 and pioneered the development of the penalty enhancement approach for bias-related crimes. A growing religious right movement prompted the ADL to further advocate for a separation of church and state and to file amicus briefs in cases related to Christmas observances in public schools, publicly sponsored sectarian displays, and federal aid to parochial schools.

The ADL contributed to diversity awareness, anti-bias training, and Holocaust education in the mid-1980s for classrooms, college campuses, corporate settings, and law enforcement professionals. The ADL worked toward creating the 1990 Hate Crimes Statistics Act (HCSA), which requires states to determine whether crimes including physical acts of racial violence as well as statements that might lead to violence are committed because of the victim's race, ethnicity, religion, or sexual orientation. States are required to relay such information to a federal anti-hate data bank, which is shared with law enforcement officials nationwide.

Throughout the 1990s, the ADL closely monitored extremists and provided expert testimony to Congress and urged states to enact anti-paramilitary training laws. An ADL survey of antigovernment extremists suggested that armed militias posed a

significant threat of violence, disorder, and vigilante justice. During the 1990s, some of the ADL's militia-monitoring activities became controversial because aspects of the information did not relate to "extremist" groups and may have been gathered via illegal or unconstitutional means. The ADL has issued numerous reports and launched a website to counter hate propaganda on the Internet. A 1993 U.S. Supreme Court decision upheld the constitutionality of a Wisconsin statute informed by the penalty enhancement hate crime legislation guidelines developed by the ADL.

The ADL witnessed the historic signing of the 1993 Israel-PLO treaty, continued to be a vocal supporter of the peace process, worked to solidify U.S. backing of Israel, and voiced concern about what it perceived to be terrorism on the part of the Palestinians. The assassination of Israeli Prime Minister Yitzhak Rabin and subsequent suicide bombings prompted the ADL to establish a task force to develop and distribute educational material about Israel's capital. Abe Foxman, who has been ADL's director since former director Nathan Perlmutter's death in 1987, has been criticized for his conservative leadership style amidst a less intense climate of anti-Semitism. Some have criticized the ADL for reacting negatively to Nazi comparisons made on the left, such as a MoveOn.org advertisement comparing George W. Bush to Adolf Hitler, while the ADL has remained silent when right-wing figures such as Bill O'Reilly have compared liberals to Nazis. During the 1990s, Foxman welcomed Christian conservatives with pro-Israel tendencies and exacerbated Black-Jewish tensions through negative public exchanges with Jesse Jackson and Louis Farrakhan. Although the ADL has sought to work with some elements of the Islamic community to promote interfaith dialogue and to condemn bigotry against Arabs, Muslims, and Blacks, such groups are often at odds with the ADL on issues related to Israel and anti-Semitism.

In 2006, the ADL spoke out against the U.S. Senate's attempts to ban same-sex marriage and cautioned that illegal immigration debates drew in neo-Nazis and anti-Semites. The ADL has worked to counter Holocaust denialism and revisionism and to urge action to stop contemporary ethnic cleansing and genocide. Recent controversy surrounds Foxman's 2007 opposition to the recognition of the death of Armenians at the hand of Turks during World War I as genocide. After a staff member publicly dissented, the ADL changed its position to acknowledge the genocide but maintained its opposition to congressional resolutions aimed at recognizing it as such. The ADL continues to develop materials, programs, and services in order to fight anti-Semitism and other forms of bigotry in the United States and abroad by serving as a resource for government, media, law enforcement, educators, and the public in assisting with information, education, legislation, and advocacy-related efforts.

Cynthia Golembeski

See also Anti-Semitism; Hate Crimes; Hate Crimes Statistics Act; Ku Klux Klan; Militias; Race Relations; Religious Minorities; Skinheads; U.S. Department of Justice, Office of Civil Rights; White Supremacists

Further Readings

Finkelstein, N. (2005). *Beyond chutzpah: On the misuse of anti-Semitism and the abuse of history*. Berkeley: University of California Press.

Foxman, A. (2003). *Never again? The threat of the new anti-Semitism*. San Francisco: Harper.

Kaufman, D., et al. (2007). *From the protocols of the Elders of Zion to Holocaust denial trials: Challenging the media, the law and the academy*. London: Vallentine Mitchell.

Laqueur, W. (2006). *The changing face of anti-Semitism: From ancient times to the present day*. Oxford, UK: Oxford University Press.

Websites

Anti-Defamation League: http://www.adl.org

Anti–Drug Abuse Acts

The first anti–drug abuse acts were enacted with the purpose of controlling drugs such as cocaine and opium. These drugs were used by Whites and minorities for both medical and recreational purposes. The racial influence of anti–drug abuse acts is evident in early and contemporary legislation.

During the Great Depression, the Marijuana Tax Act of 1937 was enacted partially to force Hispanics out of the country because of the shortage of jobs.

In the 1950s and 1960s, concern over drugs continued to increase, prompting passage of more anti–drug abuse acts. The Vietnam War in the 1970s caused more attention to be directed toward the use of drugs by returning veterans. More racial disparities arose in the 1980s with the introduction of crack cocaine in the slums of New York. During the 1980s, President Ronald Reagan declared a so-called War on Drugs that brought the passage of a number of anti–drug abuse acts focused on stopping the spread of crack cocaine. These acts led to increased law enforcement presence in poor, lower-class areas that were populated mainly by minorities, thus leading to a number of arrests and an overrepresentation of minorities in prisons. This entry chronicles the assorted pieces of legislation enacted during the 20th century to control drugs. Throughout this period, the impact of such legislation on minorities has been a concern. This is also considered in this entry.

Anti–Drug Abuse Acts of the 1900s

The Pure Food and Drug Act of 1906 was one of the first acts for preventing the manufacture, sale, or transportation of adulterated or misbranded drugs or medicines. This act required that the U.S. Department of Agriculture be responsible for determining if any drug had been adulterated or misbranded within the meaning of the act. The Pure Food and Drug Act of 1906 was little more than a "quality control" measure; it ensured that drugs had the proper labels, strength, and purity.

Around the same time as passage of the Pure Food and Drug Act, Congress passed the Opium Exclusion Act of 1909, which restricted the importation of opium from the Philippines. The Opium Exclusion Act of 1909 was the first antinarcotics law created with the idea of restricting use of a drug. The anti–drug abuse acts that soon followed were aimed more at taxing drugs and controlling who could distribute them rather than preventing the use of them.

The Harrison Narcotics Tax Act of 1914 imposed a special tax on all persons who produced, imported, or manufactured opium or coca leaves or derivatives. The act required persons who qualified within the description of the act to register and pay a special tax at the rate of $1 per annum. Moreover, the act made it illegal for any person not registered under the provisions of the act to be in possession or in control of any drug named within the act. With the Harrison Act, the government started a more formal system of tracking drugs such as opium and coca.

Like the Harrison Act, the Marijuana Tax Act of 1937 imposed a small tax on all persons who dealt in the manufacture, sale, or distribution of marijuana. Furthermore, the Marijuana Act made it unlawful for any person who was not registered to possess, sell, or distribute marijuana. Unlike the Harrison Act, the Marijuana Act carried large fines and prison sentences for violation of the act. Moreover, physicians who prescribed marijuana were required to report all patient information to the federal government. If a physician failed to report patient information, then the physician and the patient would be subject to prosecution under the Marijuana Act.

According to John Helmer, the Harrison and Marijuana acts caused a steady decline in the number of drug users until the late 1940s. During the late 1950s and early 1960s, concern over the use of illicit drugs started to rise once again; however, it was not until the Abuse Prevention and Control Act of 1970 that legislation began to control these drugs.

The Abuse Prevention and Control Act of 1970 created five schedules of drugs, with the first schedule containing the most addictive and dangerous drugs. For example, heroin and lysergic acid diethylamide (LSD) have a high risk for abuse and no accepted medical use; therefore, these two drugs are included in the first schedule. The second, third, and fourth schedules contain drugs having a high to low risk of abuse but also provide some medical use. The final schedule contains drugs with low dependency and abuse that are used mainly for medical treatment.

In the 1980s, Congress passed the Comprehensive Crime Control Act of 1984 and Anti-Drug Abuse Act of 1986 and 1988. These acts began the so-called War on Drugs by imposing enhanced penalties and strengthening federal efforts to slow international drug trafficking. The 1990s saw the creation of the Crime Control Act

of 1990 and the Violent Crime Control and Law Enforcement Act of 1994. Collectively, these acts were responsible for the large growth in prison populations and a disproportionate representation of minority groups in arrests, convictions, and incarceration.

Anti–Drug Abuse Acts and Race

There is some evidence that the first three major pieces of legislation of the 20th century had negative affects on minority groups. For example, John Helmer opined that the Pure Food and Drug Act of 1906, the Opium Exclusion Act of 1909, and the Harrison Act of 1914 directly targeted African Americans and lower-class Whites, among whom cocaine and opium were widely used for medicinal purposes. For example, Tucker's Asthma Cure, Agnew's Powder, and Anglo-American Catarrh Powder were medications containing cocaine used by African Americans and lower-class Whites. Because of the impoverished conditions of these groups, doctors and hospitals were not always an option for the treatment of illness. Helmer concluded that because of this limited access to professional medical treatment, these groups were sometimes limited only to patent medicine that contained cocaine; therefore, the Pure Food and Drug Act of 1906, the Opium Exclusion Act of 1909, and the Harrison Act of 1914 had negative effects on them by placing new regulations on medications they relied on.

Helmer also argued that the Marijuana Tax Act of 1937 had negative effects on Mexican nationals living in the Southwest. The reason that marijuana was not addressed in the earlier acts was that at that time marijuana was primarily used by a relatively small number of Hispanics living in the Southwest. Helmer concluded that in response to the effect of the Great Depression on employment in the United States, the Marijuana Tax Act of 1937 was passed to move Mexicans back into Mexico.

The negative influence of these laws began to become evident after the 1940s. Helmer stated that after World War II, the number of narcotic arrests among African Americans and Hispanics grew to more than 3 times that of Whites. He suggested that the increased number of African Americans and Hispanics arrested could be attributed to racial bias in policing.

Ruth Peterson and John Hagan noted that the late 1960s and early 1970s marked a more intense period of legislation, culminating with the Abuse Prevention and Control Act of 1970. In the 1980s, however, a new derivative of cocaine, "crack," together with President Reagan's War on Drugs, led to a greater law enforcement focus on minority groups. John Helmer pointed out the popular opinion that the manufacture and distribution of cocaine and crack cocaine were primarily a result of activity by African American and Hispanic drug rings. This generalization placed minority offenders in a negative light, which produced a call for stiffer anti–drug abuse acts providing harsher punishments. Even though the passage of this legislation was prompted by high levels of addiction and violence related to drug use, the unintended side effect was the negative influence on minority groups. The generalization that minorities were responsible for the manufacture and distribution of cocaine and crack, combined with the anti–drug abuse acts of the 1980s and 1990s, resulted in minority groups beginning to receive harsher punishments than White offenders.

The War on Drugs was a response to the growing fear of cocaine and crack. The low cost and easy availability of crack made it the drug of choice over the more expensive cocaine. The legislative response to crack in the 1980s and 1990s included the Crime Control Act of 1984, Anti-Drug Abuse Act of 1986, Anti-Drug Act of 1988, Crime Control Act of 1990, and Violent Crime Control and Law Enforcement Act of 1994.

A study conducted by Steven Belenko, Jeffrey Fagan, and Ko-Lin Chin found that law enforcement's efforts to stop the spread of crack cocaine led to race disparities. They stated that because of the widespread fear that crack was responsible for other serious crimes, legislation was passed to target areas responsible for the distribution of crack. Unfortunately, most of the areas responsible for the distribution of crack were low-income areas primarily populated with minorities. When examining arrest records from the New York City Police Department in 1986, John Helmer found 50.8% of crack arrests were of African American suspects, 44.4% of Hispanic suspects, and 4.8% of White suspects.

Christopher Hebert found that African American and Hispanic drug offenders were more likely to go

to prison and receive longer prison sentences than were White drug offenders. Hebert also found that African Americans were more likely to be sentenced to prison for even small amounts of cocaine; however, it was noted that Hispanics were not at an increased risk of being sentenced to prison any more than White offenders for cocaine offenses. When comparing Whites with Hispanics, Hebert found that Hispanics were at higher risk of being sent to prison for marijuana offenses. He concluded that African Americans convicted of cocaine offenses and Hispanics convicted of marijuana offenses were more likely than White offenders to be sent to prison. The findings of John Helmer and Christopher Hebert indicate that the early anti–drug abuse acts and the anti–drug acts of the 1980s and 1990s affected the same groups. Helmer and Hebert both found that with respect to cocaine, African Americans were affected more than Whites by anti–drug abuse acts; when examining marijuana, they found that Hispanics seemed to be affected more than African Americans and Whites. It could be argued that if anti–drug abuse acts began with the noble purpose of protecting people from dangerous drugs, that purpose was somehow lost with such disparities among the different races.

The anti–drug abuse acts of the 1900s have affected minority groups in many negative ways, from restricting availability of patient medicine to overrepresentation in prison. The War on Drugs and stiffer anti–drug abuse acts may have seemed like the answer to heroin problems in the 1970s and crack problems in the 1980s and 1990s; however, these acts led to increased numbers of minorities in prisons and prison overcrowding.

Jeffery T. Walker and Phillip J. Hammons

See also Drug Cartels; Drug Sentencing; Sentencing Disparities, African Americans; Sentencing Disparities, Latina/o/s; Sentencing Disparities, Native Americans

Further Readings

Belenko, S., Fagan, J., & Chin, K.-L. (1991). Criminal justice response to crack. *Journal of Research in Crime and Delinquency, 28,* 55–74.

Hawkins, D. F. (1986). Race, crime type and imprisonment. *Justice Quarterly, 3,* 251–270.

Hebert, C. G. (1997). Sentencing outcomes of Black, Hispanic, and White males convicted under federal sentencing guidelines. *Criminal Justice Review, 22,* 133–156.

Parker, K. F., & Maggard, S. R. (2005). Structural theories and race-specific drug arrests: What structural factors account for the rise in race-specific drug arrests over time? *Crime & Delinquency*, *51*, 521–547.

Peterson, R. D., & Hagan, J. (1984). Changing conceptions of race: Towards an account of anomalous findings of sentencing research. *American Sociological Review, 49,* 56–70.

Anti-Immigrant Nativism

Anti-immigrant nativism is related to a complex set of attitudes and behavior dating to the late 19th century. A nativist is a person who fears or resents immigrants to the United States and wants to take action. These actions include violence, restrictive immigration policy, and limiting the rights of legal immigrants already present. Nativism refers to ideologies, groups, and social movements that support restrictions on immigration. Currently, undocumented migrants who entered clandestinely and legal permanent resident immigrants are often featured in the media as lawbreakers who take jobs from the native born or in other negative ways. In the absence of reasoned discussion and research, this is called "immigrant bashing."

Some negative publicity is aimed at legal immigrants, who may become scapegoats for social troubles and blamed for taking jobs or for the rising cost of public education. In the United States, however, the greatest anger is directed at an estimated 12 million undocumented immigrants who are represented as criminals in the media. In the 21st century, many hostile media stories about immigration have involved speculation about criminality and, after the attacks of September 11, 2001, fear of terrorism. Immigrant bashing involves the stereotyping of specific ethnic immigrant groups, undocumented immigrants, or all immigrants as an entity. Historically, the public stereotyping of immigrants as criminals has occurred with each large passage of newcomers into American society and then faded. This entry examines the history of hostility toward immigrants, the

expanded criminalization of immigrants, the current state of immigrants in a post–9/11 context, and the consequences of immigrant bashing.

History of Interethnic and Racial Hostility Toward Immigrants

The Colonial and Postcolonial Immigration Stream

During the early colonial era, the English, French, Dutch, and Spanish engaged in conflict over territory and tried to keep other religious or ethnic groups from entering their colonies. In the 13 English colonies and after independence, two groups joined the English Protestant settlers: the Protestant Scotch-Irish and Protestant Germans. Scotch-Irish were viewed as drinkers and brawlers, while both the Scotch-Irish and the Germans were accused of illegally squatting on land. Hostile incidents occurred between these groups, but both groups were incorporated into what would become American society. Subsequently, three more waves of immigration, each marked by inter-ethno/racial conflict, have occurred.

The First Wave (1821–1890)

During the first wave, approximately 4 million northwestern European immigrants from Ireland, Germany, the United Kingdom, Scandinavia, and some areas of southern and eastern Europe arrived via the eastern United States. The Irish were still stereotyped as drinkers and brawlers. Yet nativistic responses focused on Irish and German Roman Catholicism. During this period, Anglo and German Protestants stereotyped the Catholic clergy as capable of lurid sexual acts and regarded the political influence of the pope with suspicion.

In California and elsewhere in the western United States, hostility developed toward Chinese immigrants. Workers blamed the Chinese for taking jobs and then accepting low wages and poor working conditions. They also connected them to organized crime ("triads"), opium use, and prostitution. The end result was the Chinese Exclusion Act of 1882. Subsequently, hostility toward the Japanese over economic issues ensued. In 1907, the United States signed the Gentleman's Agreement with Japan, ending Japanese immigration to America during the second great wave of immigration.

The Second Wave (1891–1924)

The cultural origins of the second wave of immigration were very different from those of the northwestern Europeans who had settled the United States. The primary sending regions were southern and eastern Europe. More ethnic stereotyping and friction occurred. In this stream, the Italians became stereotyped as criminals because of public fascination with organized crime. The Mafia was originally a Sicilian organization. There is considerable debate about whether an organization of the complexity of the Mafia could have developed during the 19th century or if the organized crime groups that did develop had any distinct Italian cultural character. Sociologist Richard Alba does not believe that groups like the Mafia evolved until Prohibition. The first-generation Italian crime rate was similar to that of other immigrant ethnic groups and lower than the native-born crime rate. Organized crime groups developed among various ethnic groups to bring bootleg liquor.

In the early 20th century, nativistic hostility toward second-wave immigrants resulted in passage of a series of restrictive immigration laws culminating in the Johnson-Reed Act of 1924. This legislation established quotas restricting immigration from all but the northwestern European countries of the first wave of immigration. This was done because of racism toward these groups and a fear that their cultural diversity would undermine the core American culture. In the aftermath of this legislation, immigration dropped to low levels until the criminalization of entrance without paperwork, which began with the Immigration Act of 1917, was challenged by Mexican border crossers in the 1950s.

Criminalization of Immigrants

The Immigration Act of 1917 banned and criminalized immigrant entrants who were illiterate in English or their native language, excluded felony offenders or those who had committed a misdemeanor crime of "moral turpitude," and required payment of a fee. Thus began a tradition of Mexican entry without inspection through a relatively unpoliced border. The social problem of undocumented immigration developed after World War II. During this global conflict, the bracero

program (1941–1964) began an agreement between the United States and Mexico to bring Mexican guest workers into the United States. Migrants participating in this program learned about sources of employment and routes to enter the United States and came without formal paperwork—the first act of which is a civil offense and the second and subsequent were criminal felonies. At this time, the derogatory term *wetback* was used to describe Mexican migrants, as some entered by swimming over the Rio Grande. The border patrol launched "Operation Wetback" to control Mexican entry, returning individuals without paperwork to Mexico. Nevertheless, enforcement efforts to keep potential immigrants from entering without inspection have never been completely successful, and the buildup of undocumented immigrant population has occurred repeatedly. Each buildup of so-called illegal aliens has prompted public outcry about U.S.–Mexico border control.

The Third Wave (1965–Present)

In 1965, the Immigration and Nationality Act ended racist quotas and established a system of immigration open to all countries with which the United States had diplomatic relations. As a result, immigrants began to be legally admitted from the developing countries of Latin America, Asia, and Africa. Opportunities were given to Europeans, but relatively few responded as compared to the demand from developing world regions.

The third-wave immigrants are ethnoracially and culturally divergent. As with earlier waves of immigration, there has been hostility toward the practice of admitting large numbers of immigrants of diverse backgrounds as well as pressure for immigration reform. In particular, hostility has been directed toward immigrants from Mexico and Central America, who are perceived as less educated, less likely to culturally assimilate than earlier groups, and more likely to need government and taxpayer benefits and entitlements such as welfare or education. To compound the situation, because of the proximity of Mexico to the United States, more than 50% of those who entered without inspection come from Mexico, and the great majority of the undocumented are from Mexico and Central America.

Social Concerns Related to Immigrant Bashing

The 1970s recession and 1980s economic problems brought the first concentrated negative reaction to the "new immigration." The specific social concerns mirrored reactions to second-wave immigrants and, with an increasing undocumented population, led to the passage of the Immigration Reform and Control Act of 1986, which failed to control undocumented entry. During the 1990s, immigration law expert Stephen H. Legomsky identified several themes in nativistic public reaction to immigrants:

1. Beliefs that immigrants take jobs, increase the number of children and the costs of receiving a public education, or that some receive government benefits such as welfare
2. Racism or lack of cultural acceptance of the diversity of the third wave
3. Fear that the cultural diversity will rip apart what holds American society together
4. Fear of immigrants committing crime
5. A continual high level of immigration
6. Anger about high undocumented immigration and a frustration about border control
7. Ignorance about the degree of restriction already embedded in immigration law

Many of these concerns lack a solid basis, while others demonstrate either outright or implicit racism.

Expanded Criminalization of Immigrants

A major reason that criminality is a major theme in immigrant bashing is the convergence of immigration law and the criminal law. There are three ways in which immigration has been subject to increased criminalization. First, there has been an expansion of the grounds on which immigrants can be excluded and deported. At present, there are many categories of crime for which legal permanent residents can be retroactively deported. These crimes are referred to as "aggravated felonies." The creation of aggravated felonies began with the War on Crime, when violent and drug- and weapons-related crime was made grounds for

deportation. This trend has expanded with repeated passage of immigration law and now includes a misdemeanor offense of shoplifting. Second, many immigration violations were civil offenses but now are deemed criminal offenses or carry heightened penalties. For example, the penalty for unlawful reentry has increased from 2 years. Now, 10 to 20 years is the prison term, with increased enforcement. Third, immigrants can be detained and deported if they are deemed *likely* to be a threat to national security. Immigration law does not have the constitutional protections of criminal law, and it has been used to expel noncitizens on the basis of suspicion.

The expansion of immigration enforcement into a professional policing organization has made border control similar to crime fighting. Border patrol agents can conduct surveillance, chase suspected undocumented entrants, stop persons or vehicles, and make arrests. At present, the number of federal immigration cases is greater than other types of prosecution, greater even than those for drugs and weapons violations. The Department of Homeland Security initiative to collect information on immigrants has blurred the boundary that made immigration solely the object of federal enforcement, because state and local police have access to this database.

Further, public perception of how immigration is handled is affected by parallels between criminal law and immigration law. Although immigrants have the protection of due process, their cases are heard by immigration judges who rule on their cases on the basis of witness testimony and other evidence. The immigrant has the right to hire counsel as well. Detention for a hearing is similar to incarceration, and the Department of Homeland Security now detains permanent residents, women, and even children in addition to unauthorized entrants.

These progressively more severe laws have changed how immigrants were perceived in the past. The public has tended to view even undocumented immigrants as hard workers who want to live the American dream. Currently, undocumented immigrants are increasingly viewed as criminals, because they came unlawfully, or as connected to terrorism. This view obtains despite the fact that the 9/11 terrorists all entered the country legally (albeit in some cases using fraudulent documentation).

Terrorism and Arab or Muslim Immigrants

After 9/11, some Americans developed a xenophobic reaction to individuals of Arab or Muslim appearance. *Xenophobia* is a fear of foreigners. It is known that air passengers requested "Muslim-looking" passengers to be taken off of aircrafts. In response to the World Trade Center catastrophe, the federal government initiated the National Security Entry/Exit Registration System (NSEERS) in September 2002, which required men who were citizens and nationals of certain countries to register. In conjunction with the Department of Homeland Security Absconder Apprehension initiative, many noncitizen Arab or Muslim men were detained and deported for commission of "aggravated felony offenses," which carry the additional penalty of deportation or criminal violations of immigration law. The government, by its actions, treated Arab and Muslim immigrants as outsiders. The failure to locate immigrants connected to the 9/11 attacks has been described by criminologist Michael Welch as an instance of immigrant scapegoating.

Undocumented Entry and Latina/o Immigrants

The size of the Latina/o population and its substantial undocumented component has caused anti-immigrant sentiment to be focused on this group. Politicians have campaigned with immigration as a central issue and often concentrated on the U.S.–Mexico border as a site of controversy. Yet in the 21st century, the label of "nativist" has been avoided by many politicians and academicians advocating immigration restriction or criticizing the undocumented immigration or legal entry of Latinos. Anti-Latina/o immigration restrictionists such as Samuel Huntington often identify as mainstream Americans and represent themselves as patriots who are trying to protect American culture and society from low-income, less-educated minorities whom they fear will not culturally assimilate and consequently will increase crime. They disavow the use of the term *nativist* in a society that has become concerned about social acceptance of cultural diversity following the civil rights era. The generation of the term *immigrant bashing* is a response to the claims of immigration restrictionists that they are not nativists.

Social Consequences of Immigrant Bashing

Immigrant bashing promotes interethnic hatred and conflict. In the post–civil rights era, the criminal and civil law has begun to provide protections for individuals who are attacked on the basis of racial, ethnic, religious, and other sources of difference. One counteractive type of law has been the criminalization of aggressive acts of bigotry. Any act of property damage, assault, rape, or homicide carries an additional penalty if it is committed as the result of antagonism toward a group. The action, which gets a penalty add-on, is called a "hate crime." Another result of attitudinal and legislative change promoting civil rights is that groups formerly labeled as nativistic are called "hate groups." One consequence of immigrant bashing is that nativists and nativist groups can now be divided into non-hate and hate categories. Organizations like the Federation for Immigration Reform (FAIR) may advocate immigration restriction and generate negative publicity about immigration, but they are different from hate groups like the Ku Klux Klan.

Increase in Hate Group Membership

Immigrant-bashing news and politics is associated with increased activity of hate groups linked to the Ku Klux Klan, skinheads, and neo-Nazis. Deborah Lauter, National Civil Rights Director of the Anti-Defamation League, reported that between 2000 and 2005, White supremacist factions grew by 33% and that Ku Klux Klan chapters grew by 63% (Associated Press, 2007). Street protests against unfavorable immigration bills put forward in Congress created immigrant visibility and led to increased nativist hostility. New Klan groups have formed in the South and in states such as Michigan, Iowa, and New Jersey.

Hate Crimes

According to Mark Potok with the Southern Poverty Law Center, White supremacists blame immigrants, particularly Hispanics, for crime, problems with public school funding, and loss of jobs. In reaction, some Americans have committed hate crimes. In Kentucky in September 2006, a Salvadorean family found a cross burning on their lawn. In 2006, a Latino teenager was sodomized and beaten in Houston while "White power" was yelled. One of the attackers has received life in prison.

Lisa Navarette, vice president of La Raza, indicated that negative reactions to Latinos were at a much higher level than previously. As a result of continual negative publicity about U.S.–Mexico border crossers, the FBI has reported a 34% increase in hate crimes against Latinos from 2003 to 2008 (Mock, 2007).

Conclusion

Today, those who vilify and would make immigrants into faceless enemies are becoming polarized from citizens with more complex views about immigration reform. Citizens need to make a reasoned judgment about how immigrants came to commit crimes—whether they are traditional crimes or immigration crimes related to undocumented entry. In addition, one should consider whether legal permanent residents were retroactively deported and separated from families for crimes for which they had served time and had been released from jail or prison. The criminalization of immigration has fostered nativism, hate groups, and hate crimes. In turn, the government is using immigration law—which lacks many constitutional protections afforded to citizens—as a tool to empty the society of undocumented and even legal permanent resident immigrants. Citizens need to come to terms with fear of crime and terrorism in a humane manner and advocate responsible immigration reform.

Judith Ann Warner

See also Immigrants and Crime; Immigration Legislation

Further Readings

Alba, R. (1985). *Italian Americans: Into the twilight of ethnicity*. Englewood Cliffs, NJ: Prentice Hall.

Anbinder, T. (2006). Nativism and prejudice against immigrants. In R. Ueda (Ed.), *A companion to American immigration* (pp. 177–201). New York: Blackwell.

Associated Press. (2007, February 5). *Report: Supremacist activity flourishes*. Retrieved from http://www.msnbc.msn.com/id/16995297

Buchanan, S., & Kim, T. (2005, Winter). The nativists. *Intelligence Report*. Retrieved from http://www.splcenter.org/intel/intelreport/article.jsp?aid=576

Burner, D., Fox-Genovese, E., & Bernhard, V. (1991). *A college history of the United States* (Vol. 1). St. James, NY: Brandywine.

Hoeffer, M., Rytina, N., & Campbell, C. (2007). *Estimates of the unauthorized immigrant population residing in the United States: January, 2006*. Washington, DC: Department of Homeland Security, Office of Immigration Statistics Policy Directorate. Retrieved from http://www.dhs.gov/xlibrary/assets/statistics/publications/ill_pe_2006.pdf

Huntington, S. (2004). Who are we? The challenges to America's national identity. New York: Simon & Schuster.

Legomsky, S. H. (1996). *E Pluribus Unum:* Immigration, race and other deep divides. *Southern Illinois University Law Journal, 101,* 106–111.

Miller, T. (2003). Citizenship and severity: Recent immigration reforms and the new penology. *Georgetown Immigration Law Journal, 17*, 611–666.

Mock, B. (2007, Winter). Immigration backlash: Hate crimes against Latinos flourish. *Intelligence Report*. Retrieved from http://www.splcenter.org/intel/intelreport/article.jsp?aid=845

Pew Hispanic Center. (2006). *Modes of entry for the unauthorized migrant population fact sheet*. Washington, DC: Pew Hispanic Center.

Potok, M. (2004, Winter). The immigration backlash. *Intelligence Report*. Retrieved from http://www.splcenter.org/intel/intelreport/article.jsp?aid=504

Schermerhorn, R. A. (1949). *These our people*. Boston: D. C. Heath.

Southern Poverty Law Center. (2008, March 9). Hate group numbers up by 48% since 2000. *Intelligence Report*. Retrieved from http://www.splcenter.org/news/item.jsp?aid=300

Stumpf, J. (2006). The crimmigration crisis: Immigrants, crime and sovereign power. *American University Law Review, 56*(2), 367–419.

Welch, M. (2006). *Scapegoats of September 11th: Hate crimes and state crimes in the War on Terror*. New Brunswick, NJ: Rutgers University Press.

Anti-Semitism

Anti-Semitism is prejudice toward Jewish people as a religious, racial, and/or ethnic group. Although the term *anti-Semitism* was not coined until the late 1800s by a German writer and political activist, hatred of Jews covers nearly 4 millennia. Jewish people were viewed as alien in the Graeco-Roman world. Hatred of Jews intensified with the emergence of Christianity; Jews were characterized as lawless and dissolute people who were responsible for the killing of Christ. During the Middle Ages, Jews were viewed as Satanic and were subject to massacre. Negative stereotypes of Jews became a central feature of western European cultures in the postmedieval period, including the Enlightenment through the 19th and 20th centuries. The new "science" of racial classification would further be used to castigate and demonize Jewish people, providing a basis for the rise of Nazism and the Holocaust. The establishment of Israel has led to a resurgence of anti-Semitism.

Early History

Pagan anti-Semitism was largely cultural rather than religious, though it provided the basis for Christian anti-Semitism. It appears to have arisen in Alexandria, the most advanced city of the Hellenized world outside of Greece, where Jews constituted 40% of the population and competed with Egyptians for power and privilege. An organized massacre of Jews (pogrom) took place in 38 C.E. in Alexandria with the justification that Jews were unpatriotic and did not worship the same gods as others. Jews refused to acknowledge the gods of others, did not engage in sacrifices or send gifts to their temples, and practiced marriage and kept to themselves. These cultural practices provided justification for anti-Semitism during the pagan period. Examples of antipathy to Jews and Judaism during ancient times include the story in the biblical Book of Exodus of the Egyptian pharaoh ordering all newborn Hebrew boys to be drowned in the Nile. Greek rulers desecrated the Temple and banned Jewish religious practices, such as circumcision, Sabbath observance, study of Jewish religious books, and so on. Many pagan Greek and Roman writers exhibited prejudice toward Jews and their religion in their works.

The Rise of Christianity

Jews have lived as a religious minority in Christian and Muslim lands since the Roman Empire

became Christian. Christianity and Islam have both portrayed Jews as those who rejected God's truth. Christians and Muslims have, over the centuries, alternately lived in peace with Jews and persecuted them.

With the emergence of Christianity, both Christians and Jews vied for followers. However, after the Roman Empire became Christian, Jews were increasingly persecuted. Prejudice against Jews in the Roman Empire was formalized in 438, when the *Code of Theodosius II* established Roman Catholic Christianity as the only legal religion in the Roman Empire. The Justinian Code a century later stripped Jews of many of their rights, and church councils throughout the sixth and seventh centuries, including the Council of Orleans, further enforced anti-Jewish provisions. These restrictions began as early as 305, when, in Elvira (now Granada), a Spanish town in Andalusia, the first known laws against Jews of any church council appeared. Christian women were forbidden to marry Jews unless the Jews first converted to Catholicism. Jews were forbidden to extend hospitality to Catholics. Jews could not keep Catholic Christian concubines and were forbidden to bless the fields of Catholics. In 589, in Catholic Spain, the Third Council of Toledo ordered that children born of marriage between Jews and Catholics be baptized by force. By the Twelfth Council of Toledo (682), a policy of forced conversion of all Jews was initiated. Thousands fled, and thousands of others converted to Roman Catholicism.

Influential early Christian writing was strongly anti-Semitic. A cornerstone of such anti-Semitism is the belief that Jewish people should be collectively held responsible for the killing of Jesus. A number of passages in the New Testament have been used to promote anti-Semitism by suggesting Jews committed deicide, the murder of a god. After Jesus' death, the New Testament portrays the Jewish religious authorities in Jerusalem as hostile to Jesus' followers and as occasionally using force against them.

During the Middle Ages in Europe, there was full-scale persecution of Jews in many places, with blood libels, expulsions, forced conversions, and massacres. A main justification of prejudice against Jews in Europe was religious. Jews were frequently massacred and exiled from various European countries. The persecution hit its first peak during the Crusades. In the First Crusade (1096), flourishing Jewish communities on the Rhine and the Danube were utterly destroyed. In the Second Crusade (1147), the Jews in France were subject to frequent massacres. The Jews were also subjected to attacks by the Shepherd's Crusades of 1251 and 1320. The Crusades were followed by expulsions, including the banishing of all English Jews in 1290; in 1396, 100,000 Jews were expelled from France; and in 1421, thousands were expelled from Austria. Many of the expelled Jews fled to Poland.

As the Black Death epidemics devastated Europe in the mid-14th century, annihilating more than half of the population, Jews were taken as scapegoats. Rumors spread that they caused the disease by deliberately poisoning wells. Hundreds of Jewish communities were destroyed by violence. Although Pope Clement VI tried to protect them by the papal bull of July 6, 1348, and another 1348 bull, several months later, 900 Jews were burned alive in Strasbourg, where the plague hadn't yet affected the city.

During the Middle Ages, Jews were often accused of blood libel, the supposed drinking of blood of Christian children in mockery of the Christian Eucharist. Jews were subject to a wide range of legal restrictions throughout the Middle Ages, some of which lasted until the end of the 19th century. Jews were excluded from many trades, the occupations varying with place and time and determined by the influence of various non-Jewish competing interests. Often Jews were barred from all occupations except money lending and peddling, with even these at times forbidden.

In the Muslim world, Jews, as were Christians, were allowed to practice their religion and administer their internal laws subject to a tax and inferior status under Islamic rule. They could not bear arms or testify in court regarding Muslims, and they were required to wear distinctive clothing. Jewish people were also subject to periodic segregation and mob violence. A Muslim mob massacred nearly 4,000 Jews in 1066 in Granada in one of the most violent pogroms.

The Enlightenment

While the Protestant Reformation destroyed medieval Christendom and its extreme anti-Semitism, it

did not free Jewish people from prejudice and discrimination. The Enlightenment of the 18th century helped reduce anti-Semitism, particularly in Europe. Based on science, rationality, and the belief in unalienable rights, the Enlightenment rejected the church as the provider of all truth. Humans could, through scientific inquiry, understand the world around them and thus improve the world. With the English Revolution and the emergence of the notion of basic human rights, tolerance, understanding, and progress became the new pillars of society. Since the notion that only those who accepted Christ could be saved was rejected by Enlightenment thinkers, Jews were viewed as human beings who had the inalienable rights. Throughout Europe, most Jews were no longer segregated and discriminated against. They were assimilated into the schools, workplace, military, and other social institutions. Enlightenment thinkers believed this would be the end of prejudice and the triumph of reason. However, anti-Semitism in a new pseudo-scientific form arose with the development of racial classifications. Thus, the old anti-Semitism could be presented not in a religious form, but a "scientific" one. This gave rise to Social Darwinism and the belief that certain racial groups were superior to others and justified colonization and subjugations of "inferior" peoples.

Race

Racist thinkers argued that races differ not only physically but also morally, spiritually, and intellectually. This was often expressed in terms of the "White Man's Burden," which entailed "superior" Aryan races and civilizations needing to conquer and civilize other cultures and races throughout the world. In new pseudo-scientific writing, Jews were viewed as socially inferior. Houston Stewart Chamberlain, an Englishman who became a German citizen, led the way in his book, *The Foundations of the 19th Century* (1899), in which he purportedly "scientifically" showed that Germans were true Aryans and superior to others, particularly Jews. This book was very influential in Germany and became the foundation of the Nazi regime.

Increasing anti-Semitism arose in the 19th century not only in Germany but also in France, Austria-Hungary, England, Russia, and Muslim countries. This increased anti-Semitism, now founded on pseudo-science, laid the foundation for massive and violent anti-Jewish racism in the 20th century.

While anti-Semitism was evident in early American history, in the first half of the 20th century, American Jews were discriminated against in employment, access to residential and resort areas, membership in clubs and organizations, and in tightened quotas on Jewish enrollment and teaching positions in colleges and universities. The lynching of a Jew, Leo Frank, by a mob of prominent citizens in Marietta, Georgia, in 1915 turned the spotlight on anti-Semitism in the United States and led to the founding of the Anti-Defamation League. In an opposite direction, the case was also used to build support for the renewal of the Ku Klux Klan (KKK), which had been inactive since the 1870s. The KKK was violently opposed to Jews, Blacks, and Catholics. In Germany, increasing hatred of Jews and Jewish assimilation arose. After defeat in World War I (WWI), many Germans saw the Jews as the major benefactors of separation and the Treaty of Versailles. Following WWI, Germany became a federal republic and after a brief period of prosperity fell into a Great Depression. In 1933, Adolf Hitler was appointed chancellor of Germany. He held strong racist beliefs that the Jews were inferior and that they polluted the German state. He had authored *Mein Kampf* in the 1920s while in prison for anti-state activities. It laid out his vision of Germany's future, with Jews blamed as the cause of all of Germany's problems. Given a position of power as chancellor, he saw the most effective method of gaining power through propaganda.

Through propaganda against Communists, Socialist trade unions, and Jews, plus the alleged burning of the Reichstag (the German capitol building) by a Communist, the German Constitution was dissolved and the Nazi Party gained more power in the 1933 elections. Subsequently, the German cabinet gave the government dictatorial powers. The Nazi Party and Hitler now could pass legislation discriminating against Jews in employment, housing, business, and all areas of life. This culminated in the Nuremburg Laws in 1933, which redefined German citizenship, prohibited the pollution of the race, and required couples to undergo medical examinations before

marriage. In 1938, Hitler expelled 18,000 Jews who had been born in former Polish provinces. Subsequently, there were bonfires of Jewish sacred books in towns and villages in Germany, Jewish shops were destroyed, and new laws excluding Jews from German economic life were enacted. With the Nazi invasion of Poland in 1939, 2 million Jews were encaptured. Their money and valuables were taken and they were forced into labor. As the Germans invaded Russia and other European countries, the stage was set for the Holocaust.

Holocaust

Although the word *Holocaust* can be traced back to the 17th century as the violent death of a number of people, contemporary usage refers to the systematic slaughter of Jews in all areas of Nazi-occupied territory during World War II (WWII), in what are now 35 separate European countries. It was at its worst in central and eastern Europe, which had more than 7 million Jews in 1939. About 5 million Jews were killed there, including 3 million in occupied Poland, and more than 1 million in the Soviet Union. Hundreds of thousands also died in the Netherlands, France, Belgium, Yugoslavia, and Greece. Nazi documents make it clear that the Nazis also intended to carry out their "final solution of the Jewish question" in England and Ireland upon their victory in these countries.

Anyone with three or four Jewish grandparents was to be exterminated without exception. Historically, in other genocides, people were able to escape death by converting to another religion or in some other way assimilating. This option was not available to the Jews of occupied Europe. All persons of recent Jewish ancestry were to be exterminated in lands controlled by Germany.

The systematic elimination of Jews by the Nazis was based upon the racist ideology that Jews were inferior and the belief that they were responsible for Germany's ills and that there was an international Jewish conspiracy to control the world. Never before has a Holocaust of such magnitude been based largely on upon ideology and myths. The process of extermination included medical experiments, ghettos, concentration and labor camps, death camps, and gassing. According to the lengthy records kept by the Germans, plus other documents and evidence, at least 6 million Jews were exterminated, as were other Russian and Roman groups, other Poles, other Slavs, the physically and mentally disabled, religious dissidents (e.g., Jehovah's Witnesses), and political enemies (e.g., Communists). The total number of people exterminated is estimated at 9 million to 11 million.

United States

During the first half of the 20th century, anti-Semitism greatly increased in the United States. Between 1881 and 1924, 3 million Jews immigrated from Tsarist Russia to the United States. The White Anglo-Saxon Protestant (WASP) establishment viewed them as alien and un-American. Segregation and discrimination arose quickly in employment, housing, education, and other institutions. Racial theories were popular in the United States, with the Aryans/Whites on top, and Asians, Blacks, and now Jews on the bottom. The belief in racial purity was fueled by purported scientific differences in races. This led to the eugenics movement, the sterilization of so-called inferiors in Canada and the United States. The KKK was able to greatly increase its political and social power in the first 3 decades of the 20th century by leading attacks on this "inferior" Jewish race, plus other inferior races.

The leader of U.S. anti-Semitism was Henry Ford, the auto tycoon. With his newspaper, *The Dearborn Weekly,* he wrote about the international Jewish conspiracy and the threat of Jews. It was widely read in Nazi Germany, and Ford was admired by Adolf Hitler. Ford said Jews were responsible for all the evils of progress (e.g., liberalism, unionism, bolshevism). Hitler was admired by Ford and by many others in the United States. In 1939, thousands attended a Nazi rally at Madison Square Garden in New York City.

After World War II

Following their victory in World War II, the Allies outlawed the Nazi Party. The Nuremburg Trials were held, and several criminals were convicted of war crimes in the wake of WWII. International laws were established covering crimes against

humanity and establishing human and social rights, and there was the emergence of the United Nations as a body to address such issues.

Israel

With the creation of Israel after WWII, anti-Semitism increased in the Middle East and Arab worlds. Although anti-Semitism greatly diminished in the United States in the second half of the 20th century, it has changed its nature and form. Racial anti-Semitism now has no credibility since the changing nature of racial classifications no longer includes Semites. However, religious and cultural hatred remains. The establishment of a Jewish state surrounded by Arab (largely Muslim) states has led to numerous wars and continued terrorism against the state of Israel. In fact, several scholars have identified the opposition to the existence of the state of Israel as a new form of anti-Semitism. However, the "traditional" forms of anti-Semitism remain.

A 2005 U.S. State Department Report on Global Anti-Semitism found anti-Semitism in Europe has increased in recent years. Beginning in 2000, oral attacks directed against Jews increased, while incidents of vandalism (e.g., graffiti, fire bombings of Jewish schools, desecration of synagogues and cemeteries) surged. Physical assaults, including beatings, stabbings, and other violence against Jews in Europe increased markedly, in a number of cases resulting in serious injury and death.

France is home to Europe's largest population of Muslims (6 million) as well as the continent's largest community of Jews (600,000). Jewish leaders perceive an intensifying anti-Semitism in France, mainly among Muslims of Arab or African heritage, but also growing among Caribbean Islanders from former colonies. The British Parliament set up an all-parliamentary inquiry into anti-Semitism in 2004, which published its findings in 2006. The inquiry found that since 2000, anti-Semitism has increased.

Since September 11, 2001, anti-Semitism in the United States has arisen in violence against Jews, Jewish institutions, and Jewish symbols due to the alliance between the United States and Israel. Anti-Semitic acts include beatings and shootings of Jews, vandalism and destruction of synagogues, and spreading of Nazi symbols. The rise of many hate groups, some neo-Nazi, has produced increased anti-Semitism and Holocaust denial.

Charles E. Reasons

See also Anti-Defamation League; Hate Crimes; Immigrants and Crime; Racialization of Crime; Racism; Skinheads

Further Readings

Brustein, W. I. (2003). *Roots of hate: Anti-Semitism in Europe before the Holocaust*. Cambridge, UK: Cambridge University Press.

Cohn-Sherbok, D. (2002). *Anti-Semitism: A history*. Gloucestershire, UK: Sutton.

Katz, J. (1980). *From prejudice to destruction: Anti-Semitism, 1700–1933*. Cambridge, MA: Harvard University Press.

Laqueur, W. (2006). *The changing face of anti-Semitism: From ancient times to the present day*. Oxford, UK: Oxford University Press.

Lee, A. (1980). *Henry Ford and the Jews*. New York: Stein & Day.

Perry, M., & Schweitzer, F. M. (2002). *Anti-Semitism: Myth and hate from antiquity to the present*. New York: Palgrave Macmillan.

Arab Americans

Arab Americans are citizens or permanent residents of the United States who trace their origin to countries in the Middle East or northern Africa (Algeria, Bahrain, Djibouti, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Oman, Palestine, Qatar, Saudi Arabia, Somalia, Sudan, Syria, Tunisia, United Arab Emirates, or Yemen). This entry provides a brief overview of the sociocultural background of Arab Americans and then describes their experiences of hostility and discrimination following the attacks of September 11, 2001.

History

The first influx of Arab immigrants to the United States took place between the late 1880s and the

1920s. A second wave began in the late 1940s, particularly after the 1948 Arab-Israeli war. Between 1925 and 1948, political restrictions were placed on Arab immigration to the United States, and it was further limited by the Depression and by World War II. Most of the recent immigration took place following the 1967 Arab-Israeli war, the civil war in Lebanon, the Kurdi-Iraqi conflict of the 1960s, the Iraq-Iran war from 1980 to 1988, and the Gulf War of 1990. These conflicts have contributed to a large influx of Arab Americans who have come to the United States in search of refuge from war, education, better health care, and an opportunity to establish their own businesses. Many of the Arab Americans in this immigration flow were Muslim, with higher educational backgrounds and incomes than their predecessors.

Demographics

Counting the number of Arab Americans in the United States is challenging in many respects, mainly because of misrepresentation or misidentification of their ancestry. Prior to the 1920s, census data counted Arabs along with Turks, Armenians, and other ethnic groups who were not of Arab origin; non-Syrian Asian Arabs were counted as "other Asians"; and Palestinians were counted as refugees, as Israelis, or according to their last country of residence. While the 1990 census data reported 870,000 Americans identifying themselves as having Arab ancestry, by 2000 this number had grown to 1.2 million. Assuming that census data are adjusted for its race/ethnicity category and that Arab Americans fill out census forms, it is estimated that by 2010 their number will increase to approximately 3 million.

One of the limitations of the census is that, to some extent, it does not overcome the problem of geographic location when taking "Arab" ancestry into consideration. For example, Egypt may be considered by many as an Arab country (particularly because its nationals speak Arabic as their official language); however, some Egyptians consider themselves Africans rather than Arabs. Another limitation is that people may identify themselves by the color of their skin rather than their ethnic origin. The U.S. Bureau of the Census categorizes Arab Americans as Whites, although some of them are Black.

Arab Americans live throughout the 50 United States, but the greatest percentage are in California, New York, New Jersey, Michigan, Ohio, Texas, Illinois, Massachusetts, Maryland, and Virginia. Dearborn, Michigan, has been identified by the U.S. Census Bureau as the city with the highest percentage of Arab Americans. A number of Arab Americans were exposed to multilingual education in their home country before immigrating to the United States and are bilingual, primarily in English and Arabic (the official language of Arab countries). However, they have different dialects, depending on their country of origin.

The majority of Arab American immigrants before 1960 were Christians (Maronites, Coptics, Chaldeans), while the most recent immigrants are mostly Muslim. According to the Arab American Institute, in 2002, 63% of Arab Americans were Christian (Roman Catholics, 35%; Eastern Orthodox, 18%; Protestant, 10%); 24% were Muslim; and the remaining 13% had another affiliation or no affiliation.

About 54% of Arab Americans are male, compared with 49% of the total U.S. population. Approximately 82% of Arab Americans have at least a high school diploma, while 36% have earned a bachelor's degree or higher, and 15% have earned graduate degrees. On average, Arab Americans' earnings are 22% more than the U.S. national average.

Impact of the September 11 Attacks

Prior to the September 11, 2001, attacks, Arab Americans assimilated fairly well with the American community as a whole in terms of dealing with trade, business, education, and other aspects of community living. While to some extent, they were subject to some level of stereotyping, scapegoating, hostility, prejudice, and discrimination prior to 9/11, the September 11, 2001, attacks were followed by increased hostility toward Arab Americans on the part of members of other racial and ethnic groups. One of the misconceptions created toward Arab Americans following the attacks was that they are all Muslim. Religion was therefore confused with

cultural background, heritage, and race. Ironically, Arab Americans belong to many different religions, and the greatest number of those residing in the United States are Catholics. This labeling and generalization about Arab Americans, particularly post-9/11, created hostile environments in Arab communities, instilled fear among them, and contributed to an array of incidents occurring against Arab Americans, with hate crimes being the most evident and most reported following the attacks.

The racial/ethnic identification of Arab Americans became even more problematic following 9/11. Hostility and acts of violence were directed against Sikhs, Pakistanis, Indians, and others because they were mistaken for Arabs. Part of this misidentification stems from the misconception that all Arab Americans are Muslim and from misperceptions about multiracial groups.

Hate Crimes and Arab Americans

Hate crimes are crimes motivated by religious, racial, ethnic, national origin, gender, disability, and sexual orientation bias. Although criminal acts motivated by hatred and prejudice have occurred throughout U.S. history, the term *hate crime* did not enter the nation's vocabulary until the 1980s. The FBI has investigated what are known today as "hate crimes" as far back as the 1920s; however, it was only after the passage of the Hate Crime Statistics Act of 1990 and a recommendation to the Attorney General that the FBI's Uniform Crime Reporting program began gathering hate crime statistics. Since 1992, it has published reports on hate crimes annually. From 1992 until 2000, crimes motivated by racial bias comprised the largest portion of "reported" hate crimes, followed by religious and sexual orientation bias. The fewest were crimes motivated by ethnic and national origin bias. (When the disability component was added in 1997, it comprised the smallest number of reported incidents and generally has remained the category with the fewest crimes, particularly since hate crimes based on ethnic and racial bias are combined.)

The distribution of hate crimes based on racial/ethnic bias changed following the 9/11 attacks, with a significant increase in the number of hate crimes against Arab Americans. While the largest number of hate crimes remained those motivated by racial bias, crimes motivated by ethnic bias and national origin bias became the second most frequently reported in 2001. The other significant increase in hate crimes in 2001 was in the category of religious affiliation. Prior to 9/11, the second least reported religion-based hate crimes were anti-Islamic incidents; however, such crimes were the second highest reported following 9/11. (According to data from the *Uniform Crime Reports,* anti-Jewish hate crimes represented the largest number of religion-based hate crimes.)

Both official and community-based organization tabulations—derived from self-reported incidents and newspaper accounts—clearly demonstrate the severity of the September 11 backlash. According to Human Rights Watch, the FBI reported that the number of anti-Muslim hate crimes rose from 28 in 2000 to 481 in 2001, a seventeen-fold increase; the American-Arab Anti-Discrimination Committee reported more hate crimes committed against Arabs, Muslims, and those perceived to be Arab or Muslim, such as Sikhs and South Asians; and the Council on American-Islamic Relations, which tabulated backlash incidents ranging from verbal taunts to employment discrimination to airport profiling to hate crimes, reported 1,717 incidents of backlash discrimination between September 11, 2001, and February 2002 (Human Rights Watch, 2002, Section V, "The Human Rights Backlash").

These hate crimes occurred throughout the United States. Some involved threatening phone calls and other forms of verbal harassment; others were violent crimes, including even murder. The victims included both adults and children, and the attacks targeted Arab American businesses, schools, and mosques as well as individuals. The majority of these acts were against Arab Americans, but some were directed at people who were *perceived* to be of Arab descent or Muslim. For instance, attacks were directed against Sikhs, Iranians, Indians, and other people of different nations who met the racial classification and features of an Arab. Such incidents reflected a widespread misconception of what an Arab American really *looked* like. The persons attacked, whether they were Arab Americans or not, were arbitrarily targeted primarily on the basis of physical appearance or dress.

Law Enforcement and Arab Americans

There is no doubt that the September 11 attacks affected the relationship between Arab American communities and law enforcement officials. One such impact were increases in government scrutiny of Arab American communities and in patrol. An important issue with which Arab Americans were concerned was an increase in immigration enforcement, surveillance, and racial profiling directed at Arab Americans. These actions, along with language barriers and a lack of understanding of cultural and racial differences on the part of the police, contributed to Arab American mistrust of law enforcement personnel. Arab American fears of deportation are another factor in relationships with police and immigration officers.

One strategy that law enforcement officials are using to rebuild trust and stronger ties with Arab Americans is community policing, with a particular focus on issues of public safety and security. Although feelings of distrust and discomfort between Arab Americans and police arguably stemmed from the September 11 attacks, Arab immigrants who have experienced an authoritative, dictatorial regime in their original home countries may have preconceived negative ideas about police and government. Organizations such as the Vera Institute's Center on Immigration and Justice have worked to improve relations between law enforcement and Arab Americans. The Arab-American Law Enforcement Association—a coalition of law enforcement personnel based in Dearborn, Michigan—has partnered with the Vera Institute to identify ways in which the needs of law enforcement can be balanced with the needs of Arab Americans.

Reem Ali Abu-Lughod

See also Community Policing; Media, Print; Hate Crimes; Immigration Legislation, Race Relations; Profiling, Ethnic: Use by Police and Homeland Security; Profiling, Racial: Historical and Contemporary Perspectives

Further Readings

de la Cruz, P., & Brittingham, A. (2003). *The Arab population: 2000. Census 2000 brief*. Washington, DC: U.S. Census Bureau.

Elliott, A. (2006, June 12). After 9/11, Arab-Americans fear police acts, study finds. *The New York Times*. Retrieved November 11, 2008, from http://www.nytimes.com/2006/06/12/us/12arabs.html

Haddad, Y. (2004). *Not quite American? The shaping of Arab and Muslim identity in the United States*. Waco, TX: Baylor University Press.

Human Rights Watch. (2002). The September 11 backlash. *Human Rights Watch, 14*(6). Retrieved October 31, 2008, from http://hrw.org/reports/2002/usahate/usa1102-04.htm#P310_48768

Jamal, A., & Naber, N. (2008). *Race and Arab Americans before and after 9/11: From invisible citizens to visible subjects*. Syracuse, NY: Syracuse University Press.

Kayyali, R. (2005). *The Arab Americans (The new Americans)*. Westport, CT: Greenwood.

Londner, R., & Hunter, E. (2001, November). Lutheran Arab Americans fear hate crimes. *The Lutheran*. Retrieved November 6, 2008, from http://findarticles.com/p/articles/mi_qa3942/is_200111/ai_n9017631

Paulson, A. (2003, April 10). Rise in hate crimes worries Arab-Americans. *Christian Science Monitor*. Retrieved November 6, 2008, from http://www.aaiusa.org/press-room/1984/mustread041003

The Prejudice Institute. (n.d.). *Factsheet 5: Arab Americans*. Retrieved October 31, 2008, from http://www.prejudiceinstitute.org/Factsheets5-ArabAmericans.html

Samuel, W., Cassia, S., & DeLone, M. (2004). *The color of justice: Race, ethnicity, and crime in America* (3rd ed.). Belmont, CA: Wadsworth.

Shakir, E. (1997). *Bint Arab: Arab and Arab American women in the United States*. Westport, CT: Praeger.

Suleiman, M. (1999). *Arabs in America: Building a new future*. Philadelphia: Temple University Press.

Suleiman, M. (2004). Image making and invisible minorities: A case of Arab American students. In G. Goodman & K. Carey, *Critical multicultural conversations* (pp. 79–91). Cresskill, NY: Hampton Press.

U.S. Department of Justice. (2008). *Policing in Arab American communities after September 11*. Retrieved November 11, 2008, from http://www.ncjrs.gov/pdffiles1/nij/221706.pdf

Websites

National Arab American Journalists Association: http://www.themediaoasis.com/NAAJA-US

Asian American Gangs

Asian American gangs, operating in U.S. cities since at least the 1960s, attracted police and media attention in the late 1970s and early 1980s when their members were involved in violent, headline-grabbing incidents in New York City and San Francisco. In the 1990s, sociologists began contributing insights into gang-related activities of young Asians in North America. This entry examines explanations that academics, law enforcement authorities, and the media have offered for Asian gang activity since the 1960s, including their connection to adult criminal organizations; social and cultural factors leading to Asian gang formation and participation; and similarities and contrasts between Asian American gangs and gangs from other ethnic groups, and between gangs within different Asian subcultures.

Rise and Proliferation of Asian American Gangs

Asian American gangs formed and began to operate in the Chinatown neighborhoods of New York City and San Francisco in the mid-1960s. The timing makes sense: Prior to 1965, U.S. policy restricted immigration of youths and women from Asian nations. The population of Chinese permitted to enter the United States when immigration policy was reformed supplied the youths who formed the first gangs. Through the 1970s, the Chinatown gangs were composed of immigrants. By the 1980s, American-born Chinese were becoming members.

A large increase in the number of crimes committed by these gangs was recorded through the 1990s. Ko-Lin Chin has pointed out that this increase is likely due to more than just the sheer number of crimes being committed. As Chinatown became a tourist destination, crimes committed there against non–gang members and against non-Asians caught the attention of law enforcement authorities and journalists. At the same time, Chinese gangs began to operate outside Chinatown, another factor widening the circle of victims and making crimes more visible. And the crimes themselves, because they were becoming more serious, were more likely to be reported by victims.

Gangs also formed in Japanese, Korean, and Filipino communities in the 1960s, and later among Southeast Asians. Immigrants from Vietnam and Cambodia came to the United States in great numbers just prior to the fall of Saigon in 1975. A second surge of Vietnamese and Cambodian refugees arrived in the late 1970s and early 1980s. Both waves of immigration included youths who would form and join gangs. Though especially evident in southern California, Vietnamese and Cambodian gangs operate in other locales too. Southeast Asian gang members have been reported in San Francisco, points east, and Chicago, Houston, and cities on the East Coast.

That Asian American gangs proliferated from the mid-1960s until the present is clear, though no precise measurement of activity exists. By the mid-1990s, one quarter of American cities reported problems involving Asian American gangs or gang members who were Asian. A decade later, Canadian authorities reported activity by Asian American gangs in the cities of Vancouver, Edmonton, Calgary, and Toronto. In 2002, police department sources put the number of Asian American gangs during the past 15 years in the West San Gabriel Valley (in Los Angeles County) at 100. It has been claimed that Los Angeles County is home to as many as 20,000 Asian gang members.

Increases in Asian gang membership and activity in the past 4 decades must be put in perspective: overall, a very small percentage of Asian youths who immigrated to or were born in the United States have become members of gangs. As well, the number of Asian American gangs and the number of Asians who are members of gangs are small relative to the same numbers for African Americans, Latinos, and Whites.

Links Between Asian American Gangs and Adult Crime Organizations

With Chinese immigration to the United States in the 1880s came the importation of tongs and triads, social clubs and secret societies that served (and still serve) many functions in Asian communities. While they have acted as legitimate social organizations, performing as political alliances and business associations, they have also participated in organized criminal activities like

gambling and prostitution. Inevitably, where these groups engaged in illegal activities, links developed between adult crime organizations and Asian American gangs.

The nature of that linkage is subject to debate. When law enforcement authorities and media discover connections between tongs and Asian American gangs, they often portray a well-organized network of underworld activity, an Asian or Chinese mafia, perhaps of international dimensions, in which youth gangs play the role of junior partners under tong direction. But two scholars—Ko-Lin Chin, who studied Asian American gangs in New York City, and Calvin Toy, who studied Asian American gangs in San Francisco—paint a more nuanced picture. Youth gangs active in Asian communities attract the attention of adult crime organizations. Tongs see advantages in relying on youth gangs for "street-level" assistance in their illegitimate affairs. Gang members, in addition to performing tasks of their own design, take on roles that assist the adult organization. The relationship expands the criminal activities that gang members undertake and provides financial resources to the gangs. On this view, youth gangs are neither organized nor supervised by tongs. Rather, gangs form mutually beneficial relationships with tongs.

Explaining Asian American Gang Involvement

Discussion of Asian American gang etiology and what attracts some Asian American youths to gangs typically takes one of two tacks: the first emphasizing that Asian American gangs form in response to the same factors fostering gang activity among other societal groups, the second emphasizing factors unique to the Asian experience in the United States. Both explanations are accurate.

In the Chinatown areas of San Francisco and New York City, the sudden immigration of a large number of youths in the mid-1960s overmatched the capacity of those communities to meet the newcomers' needs—for education, for jobs, for housing, and so on. Within Chinatown, and outside of Chinatown in neighborhoods where other races predominated, these youths often met a hostile reception. Delinquency rates rose as some youths turned to crime. To bolster their own sense of community, and to protect themselves against attacks from gangs from other neighborhoods, these youths organized themselves, modeling their efforts on the other gangs they encountered. Thus, the story of Asian American gangs mirrors that of other ethnic groups whose youths meet and respond to difficult conditions: alienation and hostile encounters lead to criminal activity. Self-help and self-defense are primary motivations to form gangs. Individuals forming and joining gangs are those who, not welcome or provided for in their environment, find a home, material support, and a sense of identity in gangs.

There are also factors and qualities unique to the Asian American experience that lead to gang formation and membership. As noted previously, tongs have contributed to the development of Asian American gangs. Perhaps this society's characterization of Asian Americans as the "model minority" has played a role in the development of alienation leading to gang involvement, where poor performance in school, a reliable correlate of gang participation in all cultures, may affect Asian American youths with particular force. Also relevant is the tendency for young immigrants attracted to gangs to have more quickly adapted to and taken cues from their new culture than have their parents. Parents of these gang members, some accounts show, are often unaware their children are involved in gangs.

The experience of Southeast Asians who entered the United States from 1975 through the early 1980s is, to researchers and authorities, a special case even within the set of Asian American gangs. It has been hypothesized that trauma refugees suffered fleeing Vietnam, and the stress they experienced when resettling in the United States, had a profound negative effect on the capacity of family relationships to discourage youth involvement in crime and gangs.

Nature and Activities of Asian American Gangs

Descriptions of Asian American gangs from academics, law enforcement authorities, and the media agree on many characteristics describing Asian American gangs. Members represent a wide age range, from early teens to late thirties. Members are almost exclusively male; female participation in

Asian American gangs is very rare. There is apparently little stigma in leaving an Asian gang, or even in joining, leaving, and rejoining. While Chinatown gangs have been concerned with defending their territory, the more recently formed Vietnamese gangs operate with great mobility. It is not uncommon for their members to commit a crime in one city and immediately leave for another location.

Other traits describing Asian American gangs are not accepted by all commentators. Many believe that crimes Asian American gangs commit are almost always for financial ends. Extortion and providing protection to businesses are common examples. Vietnamese gangs are portrayed as relying heavily on "home invasions," where gang members barge into a private residence, often brutalizing the inhabitants, and make off with money and valuables. Asian American gang members, many believe, are less likely than members of non–Asian American gangs to mark their membership with tattoos and scars, preferring to maintain public anonymity.

Randy Wagner

See also Asian Americans; Immigrants and Crime; Juvenile Crime; Model Minorities; Youth Gangs

Further Readings

Chin, K. (1996). *Chinatown gangs*. New York: Oxford University Press.

Kodluby, D. W. (1996). *Asian youth gangs: Basic issues for educators*. Publication of National Alliance of Gang Investigators' Associations. Retrieved from http://www.nagia.org/Gang%20Articles/Asian%20Youth%20Gangs.htm

Spencer, J. H., & Le, T. N. (2006). Parent refugee status, immigration stressors, and Southeast Asian youth violence. *Journal of Immigrant Health, 8*, 359–368.

Toy, C. (1992). A short history of Asian gangs in San Francisco. *Justice Quarterly, 9*(4), 647–665.

Zhang, S. X. (2002). Chinese gangs: Familial and cultural dynamics. In C. R. Huff (Ed.), *Gangs in America: III* (pp. 219–236). Thousand Oaks, CA: Sage.

Asian Americans

Although they have physical similarities and their ancestral origins are in continental Asia, individuals who identify themselves as Asian come from a broad range of cultures, ethnicities, and societies. With the 2000 U.S. Census, the category of Asian American was expanded to include immigrants from various island nations: Sri Lanka, Indonesia, Micronesia, Melanesia, Polynesia, and Hawai'i. In most demographic reports, these latter locales have given rise to the identifiable reporting category of Asian and Pacific Islander American (APIA). Each immigrant identifies with a particular group, and these groups share many unique and distinct social and sometimes physical characteristics. Over the course of immigration history, Asians have been depicted as a "model minority" who keep to themselves, are industrious, and rarely engage in antisocial behavior. This entry summarizes the way the term *Asian American* is defined, provides an overview of Asian American immigration, and describes crime in the Asian American community, including both crimes against Asian Americans and crimes committed by Asian Americans.

Definition

Knowing who is an Asian American requires knowledge of a map of Asia and an appreciation of global geopolitics and economics, history, cultural anthropology, and the consequences of war. Asians, at one time, were known as Orientals and were described broadly as those whose origins could be traced to the largest continent on Earth. Asia stretches from the Mediterranean Sea in the west to the Pacific Ocean in the east, from the Indian Ocean in the south to the Arctic Ocean in the north. Those who live within these boundaries have been, at times, nomadic and urbane, civil and barbaric; they have been tribal as well as isolationist and possess some of the oldest known civilizations and cultures ever uncovered. The ethnic groups that have immigrated to the United States are as broad and diverse as the land that spawned them. They have rarely shared the same language, although confusion arises because some share the same alphabet. They are unique, and while they share a number of similar characteristics, they cannot be considered the same. To identify any one member of any of these dissimilar groups by an

ethnicity not his or her own can be and has been perceived as an insult and can lead and has led to physical conflict.

In general, Asian Americans who migrated to the United States come from Central, South, and East Asia. They can be identified by their specific Asian nationalities, ethnicities, and cultural heritages. In many cases the specific historical epoch in which they left their native lands and established residence as they evolved into Americans is also significant. Each of these groups has its own unique history, culture, and language. Some have had the experience of having a written alphabet created for them after they arrived in the United States, as their history and language did not include literature and was orally or visually based. Another historical curiosity is that West and North Asians are typically excluded from the Asian American designation. Those who have been included have ancestors who migrated from China, Japan, Korea, the Philippine Islands, India, Pakistan, Mongolia, Nepal, Bhutan, Bangladesh, Thailand, Vietnam, Cambodia, Laos, and Burma/Myanmar. Ethnic groups such as the Hmongs, the Miens, the Kampucheans, and the Taiwanese are also included.

History

Asians came to the United States in identifiable waves of immigration. The first wave was exclusively Chinese immigrants who arrived in the United States in the 1840s. The second wave began in the late 19th century and included primarily Japanese immigrants. The third wave was prompted by the exigencies of the Korean War in the 1950s. The cold war, exemplified by the conflict in Southeast Asia, the Vietnam War, led to the most recent Asian immigration epoch. As each Asian immigrant began the dynamic process inherent in displacement, settlement, and assimilation, he or she faced an American culture and society that was simultaneously and perplexingly resistant and accepting, hostile and friendly, aloof and inviting. World history and the ancillary sociological phenomena that accompany immigration, social movements, and contemporary culture are critical to understanding the effect that time, place, and sociopolitical decision making had on these groups.

The First Wave

In the 1840s, stoop labor was needed to harvest sugar cane in Hawai'i and to lay track for the Trans-Continental Railroad. The first Asian immigrants were virtually exclusively the Chinese who provided service for these industries. A growing body of evidence suggests that immigrant Chinese women were brought to the United States to serve as prostitutes. The completion of the railroad and a national economic downturn led to the enactment of the Chinese Exclusion Act of 1882, which forbade the immigration of subsequent Chinese workers or the family members of those immigrants already in residence.

The Second Wave

The Alaskan Gold Rush of the 1890s and the 1882 Exclusion Act conspired to create a demand for additional stoop and cheap labor to fill the gap necessitated by the masses of laborers who sought their fortunes in the Yukon gold fields. With an invitation extended by President Theodore Roosevelt, the United States requested that the emperor of Japan allow the immigration of more workers to fill this void. This second wave of immigration brought the first immigration of Japanese around the turn-of-the-century 1900s. These "sojourners," as compared to settlers, were young men looking for adventure and opportunity but not necessarily a home. They found the opportunities and lifestyle afforded in the United States to be both challenging and appealing; however, they faced similar discriminatory attitudes and xenophobic laws, such as the so-called Gentleman's Agreement, as those experienced by the Chinese.

Because of various exclusionary laws specifically enacted to monitor rates of immigration for these two groups, over the years, new immigration was limited. In the late 20th century, global economics and history succeeded in decreasing the numbers of new Japanese immigrants while increasing Chinese migration.

The Third Wave

After two world wars and another armed conflict, the door was opened to the next wave of Asian immigration. The 1950s Korean War allowed for economic opportunities and a broadening

recognition of life on the Korean Peninsula that had previously received little attention. The tribulations of war created displacement, leading to movement that contributed to another Asian ethnic group seeking a new life in the United States.

The Fourth Wave

The period between the 1950s and 1970s was highlighted by a cold war in Europe that was complemented by a shooting war in Southeast Asia that introduced Americans to a new vocabulary of Asian cultures, countries, and ethnicities. Because of the tribal nature of Southeast Asian populations and the area's history of staving off invasions as well as incorporating from various colonizers—Mongols, the Chinese, the Japanese, the French, and ultimately the Americans—displacement generated migration within the entire region that led to the flow of other landed immigrants to the United States during the 1970s and 1980s. War and displacement opened the door to another wave of immigration, highlighted by Vietnamese, Cambodian, Laotian, and Hmong pilgrims.

Asian Americans in the U.S. Population Today

Figures from the 2000 U.S. Census show that APIAs constitute 4.6% of the total U.S. population. Hawai'i is an anomaly to this discussion, as 49.1% of its total population falls into the APIA category. California (12.8% of its total population), Washington (7.1%), New York (7%), Nevada (6.5%), Alaska (5.2%), and Maryland (5.0%) constitute the largest proportion of Asian residents. Virginia (4.9%) and Illinois (4.3%) likewise have significant Asian populations. However, in the late 20th and early 21st centuries, North Dakota, Nevada, New Hampshire, Arizona, and Florida have all been affected by the dramatic Asian diaspora as the number and variety of Asians establishing residence have settled in the Midwest and East.

Crime and Asian Americans

First-wave immigrants of all stripes, in spite of the historical epoch identifying their migration, have experienced fear and excitement, exploitation and oppression, success and failure. Often compelled to live in specifically defined geographical ethnic enclaves housing others with similar language and cultural awareness, many of these immigrants lacked the economic and employment resources necessary to establish a comfortable and reasonable evolution into the American mainstream. Many became victims of exploitation, despair, crime, frustration, and but a very few experienced prosperity. Much like the prototypical rural resident who seeks a new life and riches in the city but instead finds conflict and anomie, many first-generation Asian immigrants were rural in background and lacked the cosmopolitan sophistication necessary to fend off those who would attempt to victimize them. Over time, most made the cultural adjustments necessary to establish domiciles and integrated communities, establish extended kinship groups, raise their families, and succeed. Their children, those born in the United States as second-generation citizens, like many other immigrant groups, eschew the "model minority" label and ironically turn to those opportunities that would lead them from being victims to becoming victimizers.

Recent hate crime reports depict the victimization of APIAs. Reported incidents in the 2005 FBI *Uniform Crime Report* indicate that law enforcement agencies reported 8,804 victims of hate crimes. Of these, 55.7% were identified as racial bias offenses, and of this number, 4.9% identified victims as Asian/Pacific Islander. One of the most celebrated hate crime cases in the Asian American community was the infamous Vincent Chin slaying outside Detroit in 1982. Chin was beaten by two out-of-work White auto workers who preceded their attack by yelling racial epithets and complaining how the Japanese automotive industry was responsible for the economic plight of the U.S. automobile industry and their own employment status. Chin became their scapegoat.

One of the cultural realities of Asian American crime specifically and ethnic crime in general is that it is adamantly intraracial. Research on victimization rates finds that most ethnic and racial crime victim and offender relationships are committed specifically within class. In this case, most Asian victims can identify their victimizer as an Asian from his or her particular ethnic category.

The history of Asian American crime is steeped in the legend of organizational crime syndicates, for

example, the Chinese and their triads and the Japanese *yakuza;* however, these criminal organizations have had little reported influence on U.S. crime. Aside from the rare criminal of Asian descent who finds him- or herself subject to popular cultural scrutiny, such as the tragedy at Virginia Technological Institute in 2007, current reports of Asian American crime are widely attributed to a different sort of criminal organization, the street gang.

Where there is a significant concentration of ethnic Asians in any location—for example, Hmongs in Minnesota and California and Vietnamese in Virginia, Texas, and California—incidents involving "Asian gangs" have gained public notoriety. Ethnic enclaves have long been the focus of immigration and cultural awareness in many metropolitan areas, as Chinatown, Little Tokyo, Little Saigon, Koreatown, and others became ubiquitous. Many Chinatown-organized crime affiliations—that is, tongs—do exist and have been known to utilize newly landed Southeast Asian youths to staff their street enforcers. In New York, these enforcers carry monikers such as the Ghost Shadows or Green Dragons. From about 2002 on, California and Minnesota in particular have seen dramatic increases in the level of violent crime in the Hmong community. Hmongs, a nomadic population originally from Northern Laos and Burma/Myanmar, provide an interesting case study as there are now more Hmongs, per capita, in two U.S. states—California and Minnesota—than there are anywhere else in the world. Homicides, home invasions, assaults, and robberies have increased among self-identified Hmong gangs to the point that sheriffs' offices and police departments in those jurisdictions having Hmong concentrations have created gang task forces, similar to the 1970s–1980s "Jade Squad Detective Unit" of the New York City Police Department that dealt exclusively with crime in Manhattan's Chinatown, to investigate crimes committed by Hmongs. These gangs have taken on the popular culture accoutrement and tactics of tagging, violence, gang inclusion, and community notoriety found in other ethnic gangs throughout the United States.

Official statistics on rates of Asian American crime and victimization are only suggestive and not definitive. Of the total number of inmates in the United States, barely 1% are APIAs and are more often classified as "Other" in official reports. In Hawai'i, where APIAs are a significant number of the total population, and thus are the exception to the rule, APIAs contribute 65.5% to the total prison population. In Washington, 6.2% of all inmates are APIAs; in Nevada, 5.2%; in California, 4.9%; and in Minnesota, 3.6%. This is to suggest that where APIA populations are densest, they also contribute to the overall crime rate. States without significant Asian populations (less than a percentage point) have only traces of APIAs in their prisons. Of the more than 3,300 inmates on American death rows, six are Asian.

Research Directions

Why Asians commit criminal acts can only be answered through speculation, as not much scientific inquiry has been directed at them. It can be speculated that a combination of economics, conflict, popular culture, and social ecology intersect to create social dissonance among those youths engaged in gang activity. Because many of the current generation of immigrants came from underdeveloped homelands, their economic and workplace wherewithal typically relegates them to lower-income residences and jobs. The environment and population surrounding them, even though they may include those from similar countries and arenas, is often interstitial and inhospitable as all residents compete for limited resources. Schools for the children of these immigrants are often those associated with American inner cities, as economics and popular culture depictions force those less academically gifted students to seek innovative means of social advancement. Added to this is the potential victimization they may face from other similarly disadvantaged ethnic gang members; these Asian Americans seek safety and collegiality with their own gang. Given this reality, those whose desires outweigh their prosocial strengths are destined to find their rewards through alternative sources. The cycle of crime thus becomes perpetuated as antisocial experiences reduce prosocial success.

Because Asians are not uniform in their perspective, thought, or practice, intimate knowledge of one group does not always translate to similar knowledge of a subsequent group. The cliquish nature of the various groups within the Asian communities makes research access challenging.

Language is also a barrier because primary research may require direct contacts with non-English speakers. In some cases, distrust of those who are unfamiliar with cultural customs and mores may result in less than candid interactions and may hamper critical examination and inquiry.

A historical reality is that most Asian Americans have fallen into the category of "model minority," actively engaging in prosocial activity and quietly adding to the mosaic of Americana. Yet seen through the prism of criminological thought, many recent immigrants appear to have more eagerly embraced the antisocial opportunities afforded and have been influenced by the popular culture to engage in criminal activities. Theory construction and testing that examines economics, culture conflict, critical race, and critical criminology hold the richest areas from which to explore these groups.

Dan Okada

See also Asian American Gangs; Immigrants and Crime; Immigration Legislation

Further Readings

Chang, R. S. (1999). *Disoriented: Asian Americans, law, and the nation-state*. New York: New York University Press.

Chin, K.-L. (1996). *Chinatown gangs: Extortion, enterprise, and ethnicity*. New York: Oxford University Press.

Flowers, R. B. (1988). *Minorities and criminality*. New York: Greenwood.

Hamilton-Merritt, J. (1993). *Tragic mountains: The Hmong, the Americans, and the secret wars for Laos, 1942–1992*. Bloomington: Indiana University Press.

Hobson, B. (1987). *Uneasy virtue: The politics of prostitution and American reform tradition*. New York: Basic Books.

Kaplan, D. E., & Dubro, A. (1986). *Yakuza: The explosive account of Japan's criminal underworld*. Reading, MA: Addison-Wesley.

Takaki, R. (1989). *Strangers from a different shore: A history of Asian Americans*. New York: Penguin.

Atlanta University School of Sociological Research

The Atlanta University School of Sociological Research (AUSSR) is a term of recent vintage intended to highlight the historical importance of work conducted under the auspices of the university in the late 19th and early 20th centuries. The accomplished scholar and social justice advocate W. E. B. Du Bois (1868–1963) became the principal researcher and coordinator of the AUSSR. The Atlanta University School was notable for its general mission—to discover social scientific truth about African Americans as the basis for racial uplift—and also for its incorporation of students, scholars, and community members into a multifaceted and long-term research agenda. Increasingly, Atlanta University is acknowledged as having pursued one of the first U.S. research programs in sociology. This entry sketches the founding of the AUSSR and its research activities, especially the Atlanta University Conferences (AUCs). Also examined are the findings related to African American crime as well as the strengths and limitations of the AUSSR's overall research.

The AUSSR: Its Founding and Activities

Atlanta University was a suitable place to create a research organization, or what Du Bois called a "laboratory in sociology": its goals, location, and institutional norms encouraged critical scholarship. Chartered in 1867, the mission of the university devoted itself to educating newly freed African Americans in a range of skills and courses that spanned high school and college levels of instruction in the industrial and liberal arts. Du Bois himself considered that Atlanta was near the "geographical center" of African Americans in the southern states, an advantageous proximity for the studies to be undertaken. In addition, Atlanta University challenged the norms of the city by the nonsegregated relations of the African American students with the White members of the faculty and their families.

The goal of the AUSSR was similar to those of organizations like the American Social Science Association: following established scientific procedures would enable one to discern the information needed to craft reasonable public policy on societal problems. Typically, the AUSSR conducted research using multiple methodologies (mail-in surveys, personal interviews, personal observations, and archival work with the U.S. Census and

other official reports). The use of multiple methodologies helped to overcome the weaknesses of relying on only one method. Given the geographic scope of the research, the AUSSR utilized the services of a range of persons with differing levels of social science training. Some were current students or alumnae of Atlanta University, while others were college-educated or African American professionals in cities around the country.

The annual Atlanta University Conferences (AUCs) were initiated by Atlanta University President Horace Bumstead with the important assistance of George Bradford, a trustee of the university. The AUCs' focus lay in African American urban life and conditions and as initially envisioned was to be the start of many future conferences. The urban focus complemented the annual conferences sponsored by Hampton Institute and Tuskegee Institute, which concentrated mainly on rural issues via promoting how-to information and moral reform. President Bumstead hired Du Bois to teach at Atlanta University and to continue the AUCs. Du Bois greatly expanded the quest for scientific credibility by emphasizing the social sciences and their crucial foundation for social policy or even personal uplift. The goal of the AUCs was to establish a set of 10 research topics, each of which was to be studied every 10 years for a total of 10 cycles. Thus, over the course of a century Du Bois hoped to build a comprehensive knowledge base of African American life, experiences, and institutions—a project never before attempted. Various topics were chosen, involving economics (businesses, property holdings; skilled trades, occupations), religion (churches as social institutions), "morals and manners," and education (institutions and educational attainment), among others. The plan of work of a typical AUC involved commissioning investigators to study a topic in a particular locale using surveys and/or available data sources and convening a conference at Atlanta University at which the data gathered were introduced and other presentations were made by those knowledgeable about the topic. An edited volume, an Atlanta University Publication (AUP), resulted some months later.

Under the auspices of the AUSSR, research projects other than the AUCs and their associated publications were conducted. The U.S. Department of Labor published a few pieces on the conditions of African American life in rural and urban settings. Also, Du Bois presented his findings from a summer research trip in Dougherty County, Georgia, to the congressionally authorized U.S. Industrial Commission. In addition, Du Bois coordinated and set up the "Georgia Negro Exhibit" at the Exposition Universelle held in Paris in 1900, for which he received a gold medal for "Collaborator as Compiler of Georgia Negro Exhibit." Not to be overlooked were Du Bois' many publications in the popular press and his well-known book, *The Souls of Black Folk*.

Critiques of the Atlanta University Publications

The Atlanta University Publications (AUPs) often received favorable reviews from their contemporaries. However, scholars also have highlighted problems with the AUPs, some of which Du Bois himself had previously acknowledged. In many instances, attempts were made to be as comprehensive as possible (e.g., trying to locate all African American college graduates or to survey criminal justice officials in all Georgia counties), thereby obviating the need for sampling procedures. However, in practice the response rate often was low or the answers were deemed unusable. That problem and others, such as ascertaining the veracity of the mail-in self-responses to surveys, remain even today as limitations for survey research. Accordingly, the AUPs repeatedly cautioned that some of the data provided only modest support for the contentions made. Several AUPs were exemplary and fulfilled the mission of the AUCs (for example, in the studies of the African American artisans—that is, skilled workers—one could easily compare official data in similar categories over time). But other AUPs were somewhat problematic.

Although later AUPs often cross-referenced related ideas or findings with earlier ones, the AUPs often did not compare data from a later study with the previous ones in any explicit way. Thus, diachronic analysis—one of the long-term goals of the AUSSR—would not be possible in the strictest sense. This was compounded by changes in the questions or wording of the survey instruments, a point that Du Bois suggested might occur if practical considerations warranted it. Moreover,

many of the survey responses were simply quoted in the text, but were not coded and quantified. While certainly important in a qualitative sense, this did not fulfill the quantitative mission of conventional social science.

Du Bois' Departure and Return to Atlanta University

In 1910, Du Bois left Atlanta University to take a position as editor of *The Crisis,* the periodical of the newly organized National Association for the Advancement of Colored People (NAACP). Sufficient money to finance the AUCs had been a recurring concern, although the conferences did receive funding over time from philanthropic organizations. Du Bois believed that his personal politics on race, including his disagreements with Booker T. Washington's strategies for racial progress, had made it difficult for Atlanta University to secure funding. Another reason for Du Bois' departure was that he wished personally to expand the scope of his activities in pursuit of racial and social justice. The AUCs continued for several years after Du Bois' move to *The Crisis*. He provided support and editorial input, coediting four more AUPs with Augustus Granville Dill, who had been a student at Atlanta University. Nevertheless, the AUCs ultimately ceased many decades short of their projected long-range plans.

During his years at the NAACP, Du Bois' ideas for racial justice reached a national and international audience, but his views increasingly clashed with many in the NAACP's leadership. By 1934, Du Bois had returned to Atlanta University and the opportunity to further pursue his academic scholarship. At the school, Du Bois directed some of his energy toward research that was more historical than sociological; yet he never abandoned social science. During the 1940s Du Bois sought to rekindle the social scientific research begun decades earlier, but on a much larger scope. He began editing and publishing *Phylon: The Atlanta University Review of Race and Culture,* an academic journal that showcased social science research. In addition, Du Bois coordinated plans with representatives from various land-grant colleges across the country, designing an extensive program of state-centered research on African Americans. Several conferences were held and their findings published as AUPs, but Du Bois' unexpected and forced retirement from Atlanta University in 1944 ended those efforts.

Findings on Crime in Specific Works of the AUPs

Two publications of the AUSSR analyzed in some detail the issue of African American crime and criminals: *Some Notes on Negro Crime, Particularly in Georgia* in 1904, and to a lesser extent, *Morals and Manners Among Negro Americans* in 1914. *Some Notes on Negro Crime* accepted the U.S. Census data that depicted African Americans as committing more crimes relative to their numbers in the overall population. However, in the critical spirit that animated the AUSSR, this study questioned the official reports and the conclusions drawn from them, raising the following issues:

1. The amount of African American crime was exaggerated by the enumeration method used by the U.S. Census and by the sentencing disparities between White and Black defendants for the same crime.
2. African American crime was not trending upward as reflected in reinterpreted official data and by qualitative responses from mail-in surveys sent to Georgia local government officials.
3. Education was not directly associated with African American criminality because official census data indicated that illiterate African Americans committed more crime in both northern and southern states than did literate African Americans.
4. African Americans were not innately (not biologically) more criminal than other races because the behaviors associated with criminals (e.g., illiteracy, poverty, low self-esteem, intemperance, and lack of thrift), it was argued, were the result of slavery and the ongoing discrimination and inequities of the U.S. social system.

To strengthen the case that those historical factors—a mix of social-structural and cultural causes—were major influences on African American crime, more data would have been

useful than was available in this work. Pertinent data to present would have included data on Whites and Blacks in similar demographic categories, data on Whites in different demographic categories, and data on Blacks in other countries.

The AUCs did not follow *Some Notes on Negro Crime* with a paired study 10 years later. A footnote in a 1917 AUP indicated that a follow-up study on crime was indefinitely delayed. Nevertheless, *Morals and Manners Among Negro Americans* did provide one section specifically focused on African American crime. New data were not collected, but it did present comparative data on Whites that would strengthen support for the contention that sociohistorical conditions, rather than innate, immutable racial traits, explained African American criminal actions. In addition to suggesting ways for African Americans to morally uplift themselves, *Morals and Manners* recommended various societal ways to mitigate Black crime, including the end of discrimination in jobs, housing, and the criminal justice system, as well as the promotion of political and civil rights.

The Lasting Significance of the AUSSR

The AUCs did not span the 100 years envisioned by Du Bois. Yet for many reasons the AUSSR was a significant endeavor. It was the first attempt at a detailed social scientific research program that studied African American lives, conditions, and progress and that publicized the findings in different venues. It entailed a network of Black professionals collaborating on a research process that directly challenged prevailing theories based on the idea of unchangeable, inheritable racial traits. The research into social scientific explanations of African American actions did not repudiate personal responsibility. But the sociohistorical explanations examined by the AUSSR did spotlight the glaring inequities and discriminatory practices experienced by African Americans in a country commonly accepted as an exemplar of democratic freedom and equality.

Robert W. Williams

See also Biological Theories; Crime Statistics and Reporting; Du Bois, W. E. B.; Historically Black Colleges and Universities; National Association for the Advancement of Colored People (NAACP)

Further Readings

Du Bois, W. E. B. (1968). *The autobiography of W. E. B. Du Bois*. New York: International.

Gabbidon, S. L. (1999). W. E. B. Du Bois and the "Atlanta School" of Social Scientific Research, 1897–1913. *Journal of Criminal Justice Education, 10*, 21–38.

Gabbidon, S. L. (2007). *W. E. B. Du Bois on crime and justice: Laying the foundations of sociological criminology*. Aldershot, UK: Ashgate.

Lewis, D. L. (1993). *W. E. B. Du Bois: Biography of a race, 1868–1919*. New York: Holt.

Lewis, D. L. (2000). *W. E. B. Du Bois: The fight for equality and the American century, 1919–1963*. New York: Holt.

Wright, E., II. (2002). The Atlanta Sociological Laboratory 1896–1924: A historical account of the first American school of sociology. *Western Journal of Black Studies, 26*, 165–174.

At-Risk Youth

At-risk youth is a concept that emerged in education literature in the early 1980s to denote an individual's probability of failure to complete high school and/or actively participate in the labor market. In 2008, the term is used to identify, label, and classify adolescents who are vulnerable to adverse economic and social conditions.

The ever-increasing classification of at-risk youths continues to be one of the most significant predictors of antisocial and risky behavior, delinquency, and criminal offending. Extant literature suggests that the concept has evolved over time from a labor market–focused conceptualization of risk to one centered on more broad implications. More specifically, the conceptualization of risk has shifted from one associated with an array of individual costs to one associated with the greater social costs to society. The increased labeling of at-risk youth coupled with the shift in the conceptualization of this population has resulted in the disproportionate classification of minority youth in general, and Black and Hispanic youth in particular. While this concept has predominated in educational research, social scientists have become intrigued with the associated attitudes and behaviors attributable to antisocial behavior and the onset of criminal offending. Although *risk,* broadly defined, encompasses a broad range of factors that

have implications for the individual as well as society, social scientists have tended to focus on those factors that disproportionately affect communities characterized by physical decay and social disorder. As such, discussions centered on at-risk youth tend to be focused on particular segments of a larger population.

Education, the High School Dropout, and the Creation of the At-Risk Youth

The failure to complete high school, more commonly referred to as "dropping out" in education literature, has been and continues to be a fundamental educational and social phenomenon plaguing the American public school system. In the early 1980s, the system came under scrutiny due to students' inability to meet the minimum course requirements in fulfillment of graduation and resultant retention issues. The heightened awareness and increased concern about this growing problem resulted in numerous reports on education and state reforms to raise the current academic standards.

A Nation at Risk

In 1983, the National Commission on Excellence in Education published *A Nation at Risk,* a report addressing the risk that less than full participation in the labor market posed to the individual, society, and the nation. Predicated on the belief that all children were equipped with the tools to secure gainful employment in an effort to be self-sufficient, productive citizens of society, the commission concluded that one's inability to fulfill this role would have grave individual, social, and societal costs. The failure to complete high school was considered both detrimental to the individual and a risk to society and the nation as a whole. The commission concluded that individuals ill prepared for the "information age" would inevitably be disenfranchised and unable to participate fully in national life. The commission's characterization of dropping out as an academic failure and a risk to the nation dramatically shifted the way in which the phenomenon of dropping out was both viewed and addressed by academicians, state officials, and the general public.

At-Risk Youth: History, Definition, and Consequences

Research addressing issues related to failure of high school completion and the associated consequences began to predominate in fields outside of education and economics. As individual and social consequences associated with dropping out continued to be identified, a new conceptualization of risk emerged.

The predominance of research coupled with the growing popularity in nontraditional fields has resulted in the reconceptualization of the concept predicated on the assumption that youth are at risk not because they engage in behavior that has been deemed risky, but rather because they reside in environments that pose a severe threat to their quality of life and well-being. The reconceptualization of risk, as predicted by socially situated factors, inevitably widens the net and increases the probability of classification. Moreover, the vagueness of the concept results in the likelihood that practically any youth could be considered *at risk* by the very accident of birth. One of the critical concerns related to employing this advanced, albeit conventional, definition has to do with the disproportionate number of Black and Hispanic youths who are increasingly being classified as at risk or risk prone.

Individual, Social, and Societal Consequences

Implicit in the language of *A Nation at Risk* are the consequences that directly affect society and the nation as a whole. The failure to complete high school has traditionally served as the most significant predictor of risk—individual, social, and societal. The failure of individuals to be self-sufficient, productive citizens able to participate fully in national life results in a significant burden on the society. The reduced national income and tax revenues for the support of government services and increased demand for social services result from a lack of full participation in the labor market.

The consequences are not limited to one's relationship to the labor market and economic realization. Rather, an added consequence of limited educational attainment is the risk of antisocial behavior and criminal involvement. Social scientists, in an effort to investigate crime and antisocial behavior, have been particularly intrigued by the

utility of the concept, as it allows for a prediction to be made without the presence of direct support.

An ever-increasing number of children, adolescents, and youth are labeled *at risk* based on a countless number of economic and social factors. The term has become a codeword to identify, label, and classify the ever-increasing number of youth, especially Black and Hispanic youth, that are represented in the foster care, juvenile justice, and social service systems.

Misha S. Lars

See also Delinquency and Victimization; Juvenile Crime; Labeling Theory; Profiling, Racial: Historical and Contemporary Perspectives

Further Readings

Fischer, M. L., & Kmec, J. A. (2004). Neighborhood socioeconomic conditions as moderators of family resource transmission: High school completion among at-risk youth. *Sociological Perspectives, 47*(4), 507–527.

Fishbein, D. H., & Perez, D. M. (2000). A regional study of risk factors for drug abuse and delinquency: Sex and racial differences. *Journal of Child and Family Studies, 9*(4), 461–479.

Kolberg, W. H. (1987). Employment, the private sector, and at-risk youth. *Annals of the American Academy of Political and Social Science, 494,* 94–100.

McDill, E. L., Natriello, G., & Pallas, A. M. (1986). A population at risk: Potential consequences of tougher school standards for student dropouts. *American Journal of Education, 94*(2), 135–181.

National Commission on Excellence in Education. (1983). *A nation at risk: The imperative for educational reform*. Retrieved from http://www.ed.gov/pubs/NatAtRisk/title.html

Patchin, J. W., Huebner, B. M., McCluskey, J. D., Varano, S. P., & Bynum, T. S. (2006). Exposure to community violence and childhood delinquency. *Crime & Delinquency, 52*(2), 307–332.

Resnick, D., & Burt, M. R. (1996). Youth at risk: Definitions and implications for service delivery. *American Journal of Orthopsychiatry, 66*(2), 172–188.

Rumberger, R. W. (1987). High school dropouts: A review of issues and evidence. *Review of Educational Research, 57*(2), 101–121.

Stroup, A. L., & Robins, L. N. (1972). Elementary school predictors of high school dropout among Black males. *Sociology of Education, 45,* 212–222.

VandenBos, G. R. (Ed.). (2007). *American Psychological Association Dictionary of Psychology*. Washington, DC: American Psychological Association.

Attica Prison Revolt

From September 9 to September 13, 1971, prisoners in New York State's Attica Correctional Facility held control of this maximum-security prison. Forty-three people died during that time; state police and correctional officers killed 29 prisoners and 10 correctional staff members and wounded 80 people during the quarter of an hour that it took for officials to retake the prison. The McKay Commission, which provided the official report on the events at Attica, called it the "bloodiest one day encounter between Americans since the Civil War." When these events occurred, nearly 60% of Attica's population was Black and 100% of the correctional officers were White.

The prisoner revolt at Attica took place during 5 days. However, the event is best understood within three contexts that span decades both before and after the Attica revolt: (1) historical contexts of protest and state repression preceding the revolt; (2) the period during the revolt: initial taking of the prison, the negotiations, and the retaking of the prison; and (3) the years of litigation after the revolt that have affected prisoners, correctional staff, and the families of both.

Historical Context of Attica

The historical context of the revolt at Attica provided the formative years for the prisoners and correctional staff and government officials involved in the events. During the 1960s, the civil rights and other rights movements (including prisoner rights), protests against the Vietnam War, violent disturbances in America's urban centers and prison riots in New York and other states prior to the events at Attica, and police action against protest and activist organizations (including the Black Panthers and Black Muslims) provided a model for violence for prisoners and for the state. Other instances of violence during this period included the assassinations of Malcolm X,

Martin Luther King, Jr., and Robert Kennedy, as well as the killings of Black Panther members George Jackson (one of the Soledad Brothers) and Fred Hampton (a Black Panther leader in Chicago). Criminal justice reforms that occurred in the decade before the 5 days of the revolt are also part of the historical context. In addition, a new emphasis on research on all aspects of criminal justice during the decision-making processes from arrest decisions to parole during the 1960s was finding race to be an important factor throughout. Through these events and the understanding of the politics of criminal justice it produced, prisoners were redefining themselves as "political prisoners."

In New York State, prisoner disturbances and takeovers of correctional facilities in New York City's House of Detention (Tombs) in August 1970 and Auburn Correctional Facility (November 1970) preceded the events at Attica. While these two events did not result in the violent retaking of the institutions seen at Attica, they did add to the tensions and expectations of both prisoners and correctional officials in New York regarding the potential for further prison revolts. Prisoners from Auburn were transferred to Attica and placed in segregation (contrary to correctional officials' promises of no reprisals for those involved in the Auburn protest over the handling of a Black Solidarity Day event).

The Attica Revolt

On September 8, 1971, confusion over the handling of an inmate interaction was one spark for what was to come on September 9; there was a question whether the interaction had been a fight or horseplay. Other precipitating factors included the striking of a lieutenant by a prisoner, the taking of the prisoners to a special housing block, and inmate expectations concerning the treatment of the prisoners. On September 9, when a lieutenant involved in the September 8 incident asked a group of prisoners to return to their cells after breakfast, he was attacked. In the chaotic violence that followed, prisoners eventually gained control of the institution after a failed weld on a gate allowed them access to a central control area called "Times Square." The McKay Commission that investigated the events at Attica reported that the inmates had control of all four cellblocks and all of the tunnels and yards in the Attica complex and that more than 1,200 inmates had gathered in "D" yard with more than 40 hostages.

The Negotiations

While the prison revolt at Attica was part of a larger pattern of prison disturbances and protests during the late 1960s and early 1970s, for a number of reasons the negotiations that occurred in an attempt to obtain a peaceful settlement made the event much more significant and visible. First, that the negotiations took place at all is unique since negotiating with prisoners is not common practice. Second, an agreement was made to utilize an "observers committee" containing prominent African American and Hispanic political leaders from New York, activist lawyers, journalists, activists from the Black Panthers and Young Lords, and others representing more conservative perspectives. Members of the committee were used to mediate the negotiations and provided diverse perspectives and advice to Russell Oswald, Commissioner of Corrections. Third, the decision to allow TV reporters to enter the prison and film negotiations and comments of prisoners and hostages brought the events inside the prison to national attention. During the 5 days of negotiations, tensions within groups of correctional personnel and their families, prisoners and their families, and state police officials continued to build. On the evening of Sunday, September 12, negotiations finally ended; the assault of the prison took place the next day.

The Retaking of the Prison

On the morning of September 13, 1971, after a final ultimatum from Commissioner Oswald was read to prisoners, they took eight hostages to catwalks and held knives to their throats or bodies. Fifteen minutes after inmates' rejection of the ultimatum, a helicopter dropped tear gas into the yard and shotgun and rifle fire from state police and correctional officers commenced. When the firing stopped, 10 hostages and 29 inmates were dead or dying. From a state police helicopter, inmates were told to place their hands on their

heads and surrender. They were told to sit or lie down and that they would not be harmed. Within an hour the prison had been secured. State police and correctional officers then started the process of dealing with the dead and wounded correctional personnel and prisoners and having the surrendered prisoners stripped, searched, and moved back to the cell blocks. In December 1971, a Federal Court of Appeals found that the harassment and reprisals directed at prisoners by correctional officers in the days after the riot entitled prisoners to protections against any recurrence.

One of the most infamous incidents of the revolt at Attica occurred shortly after the main yard had been secured. Gerald Houlihan, Public Information Officer for the Department of Corrections, told the press that several hostages had died as a result of inmates having slashed the officers' throats. The interviews with state police officers who reported being eyewitnesses to such inmate brutality generated headline stories describing inmate brutality. Less than 24 hours later, however, autopsy reports of the dead hostages found that all had died from gunshot wounds.

The Years Following Attica

Throughout the years after the events at Attica, criminal prosecutions of inmates, court hearings, and lawsuits seeking to hold prison and government officials in New York State responsible for the deaths continued. In all, 62 inmates were indicted for more than 1,200 criminal acts, while during that time one trooper was charged for one crime. In 1974, then–New York Governor Hugh Carey sought to end inquiries into the Attica uprising when he pardoned seven inmates and commuted the sentence of a prisoner convicted of killing a correctional officer. In addition, Governor Carey ruled that no disciplinary action should be taken against 19 police officers and one civilian whom investigators had suggested should be disciplined for their actions in the retaking and aftermath of the disturbance. While criminal prosecutions had ended, civil suits by prisoners seeking monetary damages for the use of excessive force continued for years. It was not until 2000, nearly 30 years after the events, that the state of New York settled a civil suit brought by inmates for $12 million. In 2005, Governor George Pataki created a $12 million fund as a settlement with the "Forgotten Victims of Attica," families of hostages and other correctional officers killed and injured during the retaking of the prison.

Lucien X. Lombardo

See also Black Panther Party; Police Use of Force; Prison, Judicial Ghetto; Race Riots; Social Justice

Further Readings

Badillo, H., & Haynes, M. (1972). *A bill of no rights: Attica and the American prison system*. New York: Outerbridge & Lazard.

Bell, M. (1985). *Turkey shoot: Tracking the Attica cover-up*. New York: Grove.

Chen, D. W. (2000, January 5). $8 million offered to end Attica inmates' suit. *The New York Times*, pp. A1, 23.

Clark, R. X., & Levitt, L. (1973). *The brothers of Attica*. New York: Links.

Featherstone, R. A., & Paschen, S. (2005). *Narratives from the 1971 Attica prison riot*. Lewiston, NY: Edwin Mellin.

Jackson, G. (1970). *Soledad Brother: The prison letters of George Jackson*. New York: Bantam.

Kerner Commission. (1968). *Report of the National Commission on Civil Disorders*. New York: Bantam.

McKay Commission. (1972). *New York State Special Commission on Attica*. Attica, NY: Basic Books.

National Lawyers Guild/New York City Chapter. (1992, March 6). *The sound before the fury: An evening commemorating the 20th anniversary of the Attica uprising and the continuing struggle*. New York: Author.

Oswald, R. (1972). *Attica: My story*. Garden City, NY: Doubleday.

Wicker, T. (1975). *Attica: A time to die*. New York: Quadrangle/New York Times Books.

Websites

Attica Revisited: A Talking History Project: http://www.talkinghistory.org/attica/pacifica-1.html

Baldus Study

The Baldus study, designed and conducted by David C. Baldus, George C. Woodworth, and Charles A. Pulaski, Jr., is a study of "equal justice" in death sentencing during a period of judicial conflict and controversy over capital punishment. This landmark study focused on levels of arbitrariness and racial discrimination in capital sentencing in Georgia during the period 1969–1979.

Three principal reasons led the authors of the study to concentrate on the state of Georgia. First, Georgia led the nation from 1930 to 1980 in the total number of offenders executed. Second, the U.S. Supreme Court's decisions in both *Furman v. Georgia* (1972), which invalidated all capital sentencing statutes, and *Gregg v. Georgia* (1976), which upheld the constitutionality of the death penalty for murder, focused on Georgia's capital sentencing system. Third, the study was designed to challenge Georgia's post-*Furman* capital sentencing system on issues of arbitrariness and racial discrimination. As a consequence, the Baldus study was created to contest the effects of several key factors in the post-*Furman* era: the trial court sentencing reforms adopted by state legislatures, the expanded appellate oversight by state supreme courts, and the strict oversight of death penalty sentencing systems by state courts to ensure that they operate in a nondiscriminatory fashion.

The Baldus study consists of two empirical studies known as the Procedural Reform Study (PRS), which compares pre- and post-*Furman* results as a basis to estimate fairness in Georgia's capital sentencing in the post-*Furman* period, and the Charging and Sentencing Study (CSS), which was designed to study racial discrimination patterns for defendants indicted for murder or voluntary manslaughter between 1973 and 1979. Although the two studies differ in design, they both challenge the effects of the death sentence process in Georgia.

The impact of the Baldus study culminated in the U.S. Supreme Court case of *McCleskey v. Kemp* (1987) as an unsuccessful attempt to dispute the effectiveness of Georgia's death penalty statute. The petitioner in the *McCleskey* case argued that the Georgia death penalty statute under post-*Furman* law purposefully discriminated against defendants who were Black and against defendants whose victims were White, which subsequently violated the Fourteenth Amendment's equal protection clause. In addition, *McCleskey* argued that this discriminatory application of the death penalty violated the Eighth Amendment as a result of the arbitrary, capricious, and irrational nature in which the death sentence had been invoked. The question would follow as to what magnitude the Court would give empirical data and statistical analysis as evidence in proving discrimination in a post-*Furman* death sentencing system.

Research Design, Sample, and Data

The PRS

The PRS focused on decision making by the prosecutor and the jury in the final two stages of

Georgia's charging and sentencing process. More specifically, it examined the prosecutor's decision to seek the death penalty based on a capital murder conviction at trial and the jury's decision to declare a life or death sentence after a penalty trial. Therefore, only defendants convicted of murder after a jury trial were included for analysis. The primary purpose of the PRS was to compare the extent of arbitrariness and racial discrimination for those offenders convicted of murder at trial before and after the statutory reforms established as a result of the *Furman* decision.

In response to *Gregg v. Georgia,* another objective for the PRS was to evaluate the Georgia Supreme Court's system of comparative sentence review of murder trials. The comparative sentence review is mandated by Georgia statute and establishes a method in which to compare sentencing decisions in similar cases as a means to circumvent excessive or disproportionate penalties for defendants who receive a death sentence.

The pre-*Furman* data set consisted of 156 defendants tried and convicted of murder before the *Furman* decision, from 1969 to 1972. The post-*Furman* data set included 594 offenders who were apprehended, charged, prosecuted, and convicted for murder under the post-*Furman* law between 1973 and 1978. These offenders either received a life or death sentence as a consequence of a jury trial or received a death sentence as a result of pleading guilty to murder. The defendants in both data sets were selected from the Georgia Department of Offender Rehabilitation files and from the official reports of the Georgia Supreme Court and the Georgia Department of Pardons and Parole. In addition, more than 150 aggravating and mitigating factors were collected and developed for both the pre- and post-*Furman* data sets.

The CSS

The CSS was initiated at the request of the NAACP Legal Defense and Educational Fund to challenge the constitutionality of Georgia's death sentencing as it had been applied as a result of the *Gregg v. Georgia* decision. The primary purpose of the CSS was to expose which racial and other illegitimate case characteristics might influence the criminal justice process from indictment up to and including the penalty trial for a death sentencing decision. Five decision points in the Georgia charging and sentencing process allowed analysis of the multistage case review. The multistage decision points include the grand jury indictment stage, prosecutorial plea bargaining and the plea of guilt, jury conviction decisions, prosecutorial decision to seek the death penalty after a capital murder conviction at the trial phase, and jury sentencing decisions at the trial's penalty phase.

The CSS data set consisted of a stratified random sample of 1,066 cases selected from the offenders listed in the records of Georgia's Department of Offender Rehabilitation between 1973 and 1979. These offenders had been arrested and convicted of homicide and were subsequently convicted of murder or involuntary manslaughter. For each case, a file of more than 230 variables was created from the files of the Georgia Board of Pardons and Paroles as a foundation for multivariate statistical analysis.

Methodology

The PRS

For the PRS, the authors created a sophisticated statistical construct formulated on a regression-based culpability index that was used in conjunction with both ordinary least squares and logistic multiple regression models designed to detect the effects of which legal factors (i.e., prior record, aggravating or mitigating circumstances) or extralegal factors (i.e., race of defendant and victim, offender-victim relationship) were statistically significant when predicting which defendants received the death penalty. Furthermore, two additional indexes were developed to measure excessiveness and discrimination for each of the following outcomes: (a) pre-*Furman* death sentence decisions among defendants convicted of murder at trial; (b) post-*Furman* death sentence decisions for defendants convicted of murder at trial; (c) post-*Furman* decisions by prosecutors to pursue a death sentence for defendants convicted of murder at trial; and (d) post-*Furman* jury decisions to impose a death sentence in a penalty trial. The primary objectives of the statistical analyses were to identify the likelihood of arbitrariness and discrimination in death sentences and to identify which case characteristics affect death sentence decisions for

prosecutors and juries for defendants convicted of murder at trial for both pre- and post-*Furman* periods.

A subsequent objective of the PRS was to determine whether death sentences in Georgia were either excessive or disproportionate under the 1973 statute, which required the Georgia Supreme Court to conduct a comparative review of similar cases for every capital felony case that was imposed after January 1, 1970. The purpose of comparative sentence review by the court was to determine whether it was imposed by reason of "passion" or "prejudice." To accomplish this analysis, the authors conducted an extensive assessment of 68 death sentence cases that the Georgia Supreme Court reviewed and affirmed between 1973 and 1979 using three different measures of case culpability in which to identify similar cases (Baldus et al., 1990).

The CSS

The CSS incorporated a principal culpability index to explain which defendants in the multistage analysis were ultimately selected to receive a death sentence by prosecutors and juries. Utilizing their culpability index, the authors applied a variety of linear and logistic regression procedures to determine which variables accounted for racial effects. The two primary models used 39 and 230+ variables respectively in conjunction with racial variables to identify factors that showed a statistically significant relationship with the dependent variables (multiple stage outcomes from indictment to the jury penalty trial decision).

Findings

The PRS

In the pre-*Furman* era studied by the authors, death sentencing was observed to be infrequent. In addition, the study found no meaningful basis on which to distinguish a large portion of pre-*Furman* death sentences from cases that ended in life sentences during the same period. For example, even when penalty trials did occur, juries generally imposed death sentences in only about one half of the cases, and only a fraction of the death sentences occurred in extremely aggravated cases. In part, the authors found pre-*Furman* death sentencing excessive, partly attributable to geographic disparities (statewide), and partly because of the implication of racial discrimination among moderately aggravated cases (the most prominent finding). It is within these moderately aggravated cases that racial factors have the most influence in the pre-*Furman* period—defendants who were Black or whose victims were White received more harsh sentences than other defendants equally blameworthy. Therefore, even though excessiveness could be shown within the range of moderately aggravated cases in all pre-*Furman* death sentence cases in Georgia, racial factors were not always determinative.

The authors' assessment of Georgia's proportionality review system of 68 death sentence cases that were affirmed by the court on appeal between 1973 and 1979 suggested that about one fourth were presumptively excessive. Many of the excessive death sentences fall into the mid-aggravation range of culpability where race effects are concentrated. From this perspective, the Georgia Supreme Court appeared more likely to be evenhanded and non-excessive when it affirmed death sentences based on similar cases for comparative purposes of the Court's findings. However, the caveat is, as the authors observed, when the court selects "similar" cases, it generally overselects cases that resulted in death sentences and underselects life sentence cases. In fact, the Georgia Supreme Court had never vacated a death sentence as racially discriminatory or comparatively excessive. As a result, this selection process made it difficult to determine the overall magnitude of racial factors. Although the Georgia court had not vacated a death sentence based on proportionality review, it had reversed more than 20% of the death sentence cases that it had reviewed based on procedural reasons.

When racial factors in the post-*Furman* logistic multiple regression analysis were considered, a higher percentage of accuracy was obtained when predicting who received a death sentence. Race of the victim was the most significant racial variable. For example, the authors found that for offenders convicted of murder at trial, the odds of a defendant whose victim was White receiving a death sentence was 4.3 times greater than a defendant whose victim was Black. Only the legal variable, number of aggravating circumstances, had more explanatory power than race of the victim. In

contrast, race of the defendant had no effect except when cases from urban and rural areas were separately critiqued. Also included in the analysis were other ethically questionable case characteristics that had a statistically significant impact in determining who was sentenced to death. These case characteristics included the defendant's socioeconomicstatus, the victim's socioeconomic status, the defendant's out-of-state residence, the presence of a race motive for the crime, defendants with a court-appointed attorney, and bloody circumstances of a murder. The authors found within these factors that the presence of a racially "antagonistic" motive increases the likelihood of a death sentence in Black defendant/White victim cases. In contrast, in White defendant/Black victim cases, the racial motive is a statistically significant mitigating circumstance.

Post-*Furman* results show that the impact of the defendant's race changed dramatically from the pre-*Furman* period. In post-*Furman* cases, Black defendants suffered more in rural areas as a result of prosecutorial decisions. In contrast, White rather than Black defendants were more likely to receive a death sentence in Georgia's urban areas as a result of both jury and prosecutorial decisions. In addition, defendants with low socioeconomic status were at a disadvantage in rural areas as a consequence of jury decisions, whereas high-socioeconomic-status defendants were more disadvantaged as a consequence of urban prosecutors. Thus, the interactive effects of racial factors, socioeconomic status of the defendant and victim, and the residence of the defendant (urban or rural) all had a significant impact on post-*Furman* death sentence decisions; most notable, though, was the race of the victim. Therefore, from their analyses, the authors found that the offender's culpability and the strength of the evidence were not the only factors being considered for death sentences after the *Gregg v. Georgia* decision.

The CSS

The results of the statewide CSS study presented during the *McCleskey v. Kemp* case were quite similar to the PRS findings. The major difference was that while there was a race of defendant-victim relationship in the PRS, only the victim's race was significant in the CSS study. The authors found that in both post-*Furman* studies, the odds multiplier calculated from the race-of-the-victim coefficientin their respective analyses was 4.3 for defendants found guilty of murder at trial. As in the PRS study, the CSS analysis shows a distinct association between the aggravation range of culpability and the magnitude of the race-of-the-victim effects. Specifically, the greatest race-of-the-victim effects occur in the mid-aggravation range of culpability, where the death sentencing rates are quite high. When compared with other legal variables in the 39-variable model, the race-of-the-victim variable was similar in the magnitude of effect to factors such as "multiple stabbing," "serious prior record," and "armed robbery involved."

Prosecutorial decisions to seek a death sentence following a murder conviction at trial and the jury penalty trial decision were two additional areas of focus for the authors. The results of both the linear and logistic multiple regression analyses of racial discrimination in jury decisions were mixed; however, the race-of-the-victim effects in death sentencing among defendants indicted for murder were linked principally to prosecutorial pretrial and posttrial decisions. As a result, the analyses show that within the decision-making stages after indictment in murder trials, it is the prosecutor who is the main source of race-of-the-victim discrimination, especially within the midrange level of aggravation.

McCleskey v. Kemp

The Baldus study had its most prominent exposure during the U.S. Supreme Court case *McCleskey v. Kemp* (1987). Prior to the *McCleskey* case reaching the Supreme Court, the results of the Baldus study had already gone through an extensive evaluation in Atlanta by Judge J. Owen Forrester during a postconviction evidentiary hearing of the case involving Warren McCleskey. Judge Forrester rejected McCleskey's discrimination and arbitrariness claim because he felt the database used in the Baldus study was not trustworthy, that the statistical procedures used were flawed, and the data and statistical procedures were not sufficient to support a claim of deliberate discrimination under the Fourteenth Amendment or a purposeful claim of arbitrariness under the Eighth Amendment.

Subsequently, the Eleventh Circuit Court of Appeals also found that the petitioner had failed to prove his claim of arbitrariness and discrimination. Although the court acknowledged the validity of the Baldus study, it essentially found that the statistical evidence rendered by the statistical analyses did not expose the level of disparity that could justify intent or motivation.

In 1987, the U.S. Supreme Court, by a 5–4 vote, affirmed the Eleventh Circuit's rejection of McCleskey's claim. The majority (led by Justice Powell) also acknowledged the validity of the Baldus study; however, they rejected the use of statistics to prove an equal protection violation in the context of the death penalty. Furthermore, Justice Powell held, with regard to McCleskey's Eighth Amendment claim, that although the statistical evidence "at most" indicates "a discrepancy that appears to correlate" with race, "[it] does not demonstrate a constitutionally significant risk of racial bias affecting the Georgia capital-sentencing process" (*McCleskey v. Kemp*, 1987). In sum, although the Baldus study did not prevail in the *McCleskey* case, it brought to light the importance of empirical studies on issues of discrimination and arbitrariness within the court system.

Keith A. Wilmot

See also Death Penalty; *Furman v. Georgia; Gregg v. Georgia; McCleskey v. Kemp*; NAACP Legal Defense Fund

Further Readings

Baldus, D. C., Woodworth, G. C., & Pulaski, C. A. (1990). *Equal justice and the death penalty: A legal and empirical analysis.* Boston: Northeastern University Press.

Batson v. Kentucky

This entry discusses the impact of the U.S. Supreme Court's ruling in *Batson v. Kentucky* (1986) on the use of peremptory challenges during the jury selection process of the American justice system. The case brought attention to the role of race as reason for dismissal from jury participation and highlighted the importance of a defendant's right to trial by an impartial jury.

Synopsis of the Case

James Batson, an African American man, was convicted of burglary and receiving stolen property in a Kentucky circuit court. Controversy arose from the verdict because it was handed down by an all-White jury. Attorneys for Batson appealed on the basis that the voir dire (the jury selection process) had been unfair.

During voir dire, potential jurors are often selected on the basis of how their attitudes, opinions, and experiences may be related to the case being tried. Depending on these attributes, the prosecution and defense may utilize a limited number of peremptory challenges. Peremptory challenges can be used to excuse a potential juror member if one side feels that the juror may side with the opposition. Traditionally, attorneys were able to excuse a member from voir dire without a stated reason.

The prosecuting attorney for the case, Joe Gutmann, used his challenges to excuse all four African American people who could have potentially served as jurors for the case. This led defense attorneys to appeal to the U.S. Supreme Court, stating that Batson's rights under the Sixth and Fourteenth Amendments were violated during jury selection.

Significance of *Batson* for Peremptory Challenges

The U.S. Supreme Court has stated that peremptory challenges should not be exercised in any way that would violate the rights of the defendant. When used in a discriminatory manner, these challenges have the potential to violate the equal protection clause granted under the Fourteenth Amendment. In addition to this, the challenges may violate the Sixth Amendment, which guarantees a person the right to a speedy and public trial by an impartial jury of the state and district where the crime had been committed. This means that a jury selected for trial should be representative of the community to which the defendant belongs. The selection of a representative and impartial jury protects the defendant from any arbitrary and unfair actions by the prosecution.

Peremptory challenges not only protect the rights of defendants but also protect those

members of the venire (i.e., potential jurors). If venire members are excused solely on the basis of their race, they are not given a fair chance to serve the courts of their community. These members may be able and qualified to serve and may be an asset to the defendant by helping to ensure that the trial is fair and impartial. That chance is destroyed when race alone is a determining factor in jury selection.

Supreme Court Decision

The *Batson* side appealed the case to the U.S. Supreme Court, citing the case of *Swain v. Alabama,* 380 U.S. 202 (1965). This case set the precedent that applied the equal protection clause to peremptory challenges. The Court recognized that denying African Americans participation as jurors violated this clause of the Fourteenth Amendment of the Constitution. Certiorari (an order for lower courts to send documentation for the higher courts to review the lower court's decision) was granted to determine if Batson was indeed tried under an impartial jury and an unfair representation of the community.

In its final decision, the U.S. Supreme Court lowered the burden of proof for prima facie case of discrimination during the selection of a jury. The Court also held that a state denies African American defendants equal protection when it puts that person on trial before a petit jury excluding members of that person's race. Also, persons cannot be excluded from the venire based on the belief that members of his or her race are not qualified to serve as jurors.

Criticisms of *Batson* Challenges

Criticisms surrounding the *Batson* case and peremptory challenge regulations have arisen since the U.S. Supreme Court's decision. Some critics contend that unlawful racial discrimination is still a concern within the criminal justice system and that peremptory challenges should be closely regulated and monitored more often in courtroom situations. The second viewpoint is that because of increasing number of restrictions being placed on the use of peremptory challenges protections they are slowly being eliminated.

Others argue that *Batson* challenges are ineffective in the fight against discrimination during the jury selection process. Proving that a person was excused based solely on race can be a difficult matter to prove to the court.

Critics also suggest that a lottery system or the use of surveys and questionnaires may offer an alternative to face-to-face interaction between attorneys and potential jurors. Some suggest that these methods would keep the race factor hidden, so that a person could not be excused because of his or her race. The opposing side claims that such systems would be inferior ways to select a jury because they deprive attorneys of the opportunity for personal interaction with potential jurors.

The issues raised by *Batson* continue to be a subject of debate. Some argue that the guidelines for peremptory challenges established in *Batson* are an obstacle to the choice of the most qualified jurors. Others suggest that potential jurors are being dismissed in a discriminatory manner. In any case, the *Batson* case raised important questions about the role of race in the U.S. judicial system and calls attention to the central role of equal protection as guaranteed by the U.S. Constitution.

Lisa M. Carter

See also Capital Jury Project; Jury Nullification; Jury Selection

Further Readings

Batson v. Kentucky, 476 U.S. 79 (1986).

Goldwasser, K. (1989). Limiting a criminal defendant's use of peremptory challenges: On symmetry and the jury in a criminal trial. *Harvard Law Review, 102*(4), 808–840.

Stoltz, B. W. (2007). Rethinking the peremptory challenge: Letting lawyers enforce the principles of Batson. *Texas Law Review, 85*(4), 1031–1056.

Swain v. Alabama, 380 U.S. 202 (1965).

Biological Theories

Biological explanations of crime emphasize physiological and neurological factors that may predispose a person to commit crime. Biological theories

are outgrowths of the positivist school of criminology. The advent of the scientific method during the 19th century spurred an increasing interest in aggravating and mitigating factors to criminal behavior. Positivism succeeded classical criminology's free will and choice model, positing instead that criminal behavior is the result of an innate, involuntary biological force beyond individuals' control.

The earliest biological theories searched for the "criminal man"; they were intent on pinpointing a criminal gene or telling physical feature. Later biological theories are more sophisticated in their inclusion of social or environmental factors. These explanations of criminal behavior posit that biological factors contribute to traits that are conducive to crime, and that such developments may be mediated by social environments. This entry traces the development of biological theory as it is developed, tested, and implicated in policy. Earlier theories, which focus on innate individual characteristics rather than environmental factors, are described chronologically. Modern evolutionary, biosocial, and biochemical theories are described, along with contemporary claims concerning biological risk factors and environmental toxins. The policy implications of both early and modern biological theories are also reviewed.

The First Biological Theories

Claims that there is a link between biology and crime were made in Europe as early as the 1700s as positivist theory. The chronologically ordered works of major contributors to the theory detail its progression.

In the 1760s in Germany, Johann Lavater reported a relationship between facial features and behavior. F. J. Gall, 4 decades later, studied phrenology; he believed skull shape determined criminality. Cesare Lombroso, the "father of modern criminology," developed the notion that ailments and diseases contributed to mental and physical deficiencies that could result in violence. As his career progressed, he paid greater mind to environmental explanations, believing there were hereditary, social, economic, and cultural variables to criminality, but he never relinquished the notion of a born criminal type. One of his students, Enrico Ferri, emphasized those latter elements, focusing on the interrelatedness of factors that contributed to crime. He presented five criminal types; their common thread was a lack of individual rationalization or choice. Similar to Ferri's work is Raffaele Garafalo's; both were representative of the times and of Mussolini's regime, based on ideas of racial purity, national strength, and authoritarian leadership. The publication of Garafalo's major works coincided with the height of the Darwinian era, when suggestions from biology, psychology, and the social sciences related how criminal law and penal practice could guarantee the survival of the fittest.

Overall, these biological theories were too simplistic; comparisons provided little support for such theories. The works mentioned previously were not advanced by statistical evidence. Distinctions made between criminals and noncriminals were speculative, a problem for biological theories that was not short lived. In 1913, Charles Goring's statistical computations regarding physical differences between criminals and noncriminals confirmed his hypothesis of criminals' physical inferiority but fell short of illuminating a physical criminal type. In 1930, G. J. Mohr and R. H. Gundlach associated some of those same body types with specific criminal behaviors; yet they did not demonstrate a relationship to any psychic elements. Earnest Hooten found criminals inferior to civilians in nearly all of their body measurements in 1939; however, his work had clear racial overtones and lacked a proper sample. In 1949, William Sheldon found that the factors that produce delinquency are inherited; his physical findings were supported one year later by Sheldon and Eleanor Gleuk. Despite the ability of the positivist theories to be tested based on their scientific modeling, replication in testing and in turn validity was scant. However, the influence of biological theories on policy was not.

Policy Implications of Early Theories

Biological theories, on the foundation of positivism, turned the goals of penology from abstract metaphysical and legal explanations to scientific studies of the individual actor and the conditions under which acts are committed. The following

two policy examples illustrate the danger this vein of theory threatens in both passively or explicitly promoting racism.

According to earlier biological theories, government-sponsored social change is an improper interference with nature. Social welfare policies were considered defective because they perpetuated the survival of the less able while interfering with the natural abilities and resources of those most able. This concept was extended by crime control policies enacted to prevent the introduction of criminals to society by not permitting those deemed defective to reproduce. Lombroso's concept of "born criminal" and Garafalo's "policy of elimination" were based on the assumption that the only remedy for criminality was to eliminate affected individuals from society and provided a basis for penal philosophy based on incapacitation. As well, rehabilitation policies based on biological theories operationalized medical reasoning that individuals, as biological objects, need treatment; it can be argued that these policies were among the most repressive policies in U.S. history. More than 30 states passed eugenics laws requiring sterilization for behavioral traits thought to genetically affect criminality.

Modern Biological Theories

By the 1960s, biology's influence in criminology had lessened. This could be attributed partly to the uses of such theories by the Nazis in the Holocaust. The scientific prominence of natural sciences and the influence of the rapidly growing social sciences were increasing. In 1975, E. O. Wilson published *Sociobiology,* which proposed to interpret all new discoveries of social and behavioral sciences in essentially biological terms. Neurological research began citing potential links between "brain damage" and "neurological defects" and criminality. Several research efforts were approved to map the human genome and to study DNA fingerprinting. An increase in medical treatment of behavior disorders was indicative of a biological focus as well. Thus, the search for the criminal man as a biologically distinctive offender continued.

Currently at issue is whether this search will contribute to the view that criminals are a distinctive, dangerous class of people who are inherently depraved and beyond redemption. Most current theories are more nuanced than this, rejecting the idea that biology translates into predestined fate, suggesting instead that biological traits interact with social environments to shape human behavior. These approaches are called "biosocial theories." J. R. Lilly, F. T. Cullen, and R. A. Ball's *Criminological Theory* provides an etiology for these theories.

Evolutionary Theories

Efforts have been made to formulate theories based on evolutionary principles. Evolutionary theories are generally "biosocial" although they tend to emphasize nature over nurture. Often considered evolutionary-ecological theories, some stress the impact of environmental (ecological) forces. Though empirical support is negligible, evolutionary theories, such as the following examples, are important because they carry a value judgment that the behaviors they cite are "useful," "valuable," "effective," and "desirable" in terms of human survival. Cheater theory argues that whereas "dads" obtain reproductive opportunities by fulfilling female desires for a mate who can support offspring, "cads" use force or deception to impregnate a female. Persistent criminals fall into the cads category. r/K theory cites two approaches to reproduction. Rapidly producing organisms follow an "r strategy," emphasizing more reproduction and spending less time caring for each. "K strategy" involves slower reproduction and careful care of each offspring. Criminals would be more prone to the r strategy. Based in Darwinian thought, conditional adaptation theory maintains that children who live in unstable or hostile environments engage in sexual activity early as an adaptive response to ensure reproduction. Evolutionary expropriative theory assumes all humans are genetically driven to acquire resources with the ultimate goal of reproduction. Some do this through creation and development of resources, others expropriate resources through victimization.

Biosocial Theories

Biosocial approaches acknowledge the importance of learning but emphasize the extent to which learning and conditioning of behavior occur differently for different individuals because of

neurological variations. An individual does not inherit a specific behavior but tends to respond to environmental factors through general predispositions. Newer theories have attempted to locate genetic factors by examining behavioral similarities among family members. They stress behavioral characteristics such as hyperactivity and attention deficit disorder. Literature has noted biochemical differences between controls and individuals with psychopathy, antisocial personality, violent behavior, or conduct disorder, including levels of certain neurotransmitters and metabolic processes as well as psychophysicological correlates of psychopathy.

Biochemical Theories

Recent biochemical theories focus on sex hormones and neurotransmitters. For males, sex hormone theory has concentrated on connections between testosterone and aggression. Biosocial theorists who favor a testosterone-based theory of criminality use it to explain relatively higher rates of male criminality. Similarly, theories have suggested females are affected by hormonal shifts before menstruation, leading to a syndrome characterized by seriously distorted judgment and tendencies toward violence; along with postpartum depression, these theories have been used as defenses in infanticide and other cases.

Effects of neurotransmitters (chemicals mediating signals between brain neurons) have been examined as well. Association between biochemical factors and antisocial behavior falls prey to the-chicken-or-the-egg conundrum: Which came first? Of the various environmental factors influencing physiology, biological theorists have focused on diet, allergies, vitamin deficiencies, exposure to lead or cadmium, and consumption of certain substances found in foods.

Biological Risk Factors

The more sophisticated biosocial approaches trace antisocial behavior to many biological risk factors that increase the odds of delinquency and criminal behavior, especially if combined with any negative environmental conditions. One example of this is an alleged link between low IQ or learning disability and criminal behavior. However, there is no direct link between low IQ and crime. Rather, low IQ can result in poor performance in school, which in turn can lead to lack of resources (employment), which can lead to crime.

Biosocial factors work in two directions. They contribute to criminality and they insulate against it. For example, "kin altruism" is considered a protective factor. Some statistics show that the rate of fatal child abuse against a stepchild by a stepparent runs 40 to 100 times greater than that against a biological child by a biological parent. This suggests that biological kin have a greater affinity for one another that serves to reduce the violence that might otherwise be higher.

Environmental Toxins

Biosocial criminologists are joined by radical theorists in arguing that environmental damage is among the most serious contributors to criminality today. Research indicates that frontal lobe deficits associated with antisocial behavior can often be traced to common environmental neurotoxins such as lead. If biosocial theorists are correct, these pose a serious criminogenic problem. Environmental toxins are significant risk factors to hyperactivity, learning disabilities, and IQ deficits, all of which are then risk factors for antisocial behavior identified by biosocial theory.

Policy Implications of Modern Biological Theories

As biological theorizing gained prominence during the 1980s and 1990s, concern turned to policy consequences. Richard Herrnstein and Charles Murray's *The Bell Curve* spawned great discussion of the disparate effect such theories can have on particular groups in society, especially with regard to race.

The Bell Curve reports significant correlations between intelligence and ethnic categories, including that Blacks have lower IQ scores than Whites. Simultaneously, it argues that IQ is hereditary and one of the greatest predictors of criminality, thus arguing for a public understanding of this nature of intelligence and its social correlates to guide policy decisions. However evidence-based and logically stepwise the conclusions, the implications of such policies possess inherent potential for

disparate effect on minority populations (according to the book's reported IQ scores).

Overall, biosocial theorists report that whether a genetic predisposition toward criminal activity is encouraged or discouraged depends on the environment. Rather than race as a direct predictor of criminality, particular groups may be more likely to live in criminogenic environments and, as such, commit more crime. No criminal gene has been discovered, and history lingers as a reminder of the negative potential of policies informed by biological theory. Perhaps it was this concern that led D. H. Fishbein to establish four forms of evaluation to be performed upon biological perspectives before they may inform policy; these include estimation of the incidence of biological disorders among antisocial populations and identification of etiological or causal mechanisms.

Heather R. Tubman-Carbone

See also Conservative Criminology; r/K Theory; Social Disorganization Theory; Strain Theory

Further Readings

Fishbein, D. (2001). *Biobehavioral perspectives in criminology*. Belmont, CA: Wadsworth/Thomson Learning.

Gabbidon, S. L. (2007). *Criminological perspectives on race and crime*. New York: Routledge.

Herrnstein, R., & Murray, C. (1994). *The bell curve: Intelligence and class structure in American life*. New York: Free Press.

Lilly, J. R., Cullen, F. T., & Ball, R. A. (2007). *Criminological theory: Context and consequences* (4th ed.). Thousand Oaks, CA: Sage.

Birth of a Nation, The

The year 1915 marked the premiere of the film *The Birth of a Nation*. The film was unprecedented for its time and represented a new milestone in filmmaking and presentation, replete with an orchestral score. The movie not only ushered in a new theatergoing experience but also set the mark for many silent films to come. Though theatergoers were charged an unheard-of $2 to see the film, the admission fee was quite minimal compared to the production cost of the film, which was estimated at $110,000—the highest of its time and for many years to come. The response to this film was parallel only to its production cost. In addition to the cost and epic proportions of the film, a storm of criticism and violence ensued, and drums were beating for the return of the Ku Klux Klan. This entry describes the basis for the film, positive and negative criticisms, political and community reactions to the film, and the process leading up to the revival of the Ku Klux Klan.

The film, directed by D. W. Griffith, was based on Thomas Dixon's novel *The Clansman*. Dixon's novel was based on the Civil War, the ensuing Reconstruction period, and the redemption of the defeated South through the hands of the Ku Klux Klan. Dixon, after having studied at John Hopkins and serving in the North Carolina legislature, served as a minister in North Carolina, New York, and Boston. During his time as a minister in the North, Dixon's fiery sermons found a receptive audience. These sermons, often targeting Black Americans, were replete with racism and bigotry, and the receptiveness of audiences sparked the writing of *The Clansman*.

Given the political atmosphere and sociocultural mores of the times, Dixon's novel was met with much success. In particular, the success of the novel was strengthened by northern fears of Black migration, President Woodrow Wilson's federal segregation policies and cutbacks of Blacks from civil service, and renewed interest in deportation and colonization of Blacks.

Although Griffith was fully aware of the sensationalistic attacks on Black Americans, he felt that he could use a combination of history and fact to mold Dixon's novel into a successful film. Griffith's interest in directing the film was drawn by Dixon's romanticized story of southern defeat and its rise to redemption during Reconstruction. Dixon's own distaste of interracial relations also came through during the movie.

The film opened in Los Angeles to positive acclaim and was soon scheduled for showing in New York City. Although the Los Angeles premiere was met with success, the newly created National Association for the Advancement of Colored People (NAACP) soon challenged the merits of the film. The NAACP was emerging as a vocal interest group preserving the rights of Black citizens. As

W. E. B. Du Bois and other early members of the organization began to challenge the basis of the film, Dixon began to mount his defense of the film by calling on figures of prominence and national recognition who might help to buttress the film.

On February 13, 1915, Dixon called on President Wilson, a former friend and student at Johns Hopkins, to arrange for a private screening of the movie. Dixon called on President Wilson because of the president's scholarly background in history and sociology. Prior to the screening, Dixon asserted to President Wilson that the film would serve as a new medium for presenting information to a wide audience and for collecting public support. Five days after having spoken to President Wilson, Dixon was entertained at the White House and presented the movie to Wilson and several colleagues. After viewing the film, President Wilson claimed it was like "writing history with lighting" and advanced his view that, unfortunately, the story was true.

Following the positive response from President Wilson, Dixon continued to gather support by asking U.S. Supreme Court Chief Justice Edward D. White to view the film. Dixon was able to persuade Chief Justice White to see the film by drawing on White's southern heritage and sympathy. Having gathered the support of President Wilson and the Chief Justice of the Supreme Court, Dixon arranged for a showing with the National Board of Censorship. Dixon and Griffith, having received the support of the National Board of Censorship, amassed a substantial amount of support from the political elite of Washington and were then ready to promote the premiere of the film in New York.

Having become aware that the National Board of Censorship approved the film, the NAACP sent members to the board and presented a list of demands. They demanded the names of the board members who had approved the film, a list of cities showing the movie, and a private screening of the film. All the NAACP's demands were denied. On appeal, Chairman Frederic Howe, who had voted against the film, provided a list of all board members and arranged for a private screening. The NAACP felt that the movie depicted Black Americans as dangerous sexual predators and played into the worst fears of Whites.

On the day the film was to premiere, the NAACP called Griffith and Spottiswoode Aitken, the producer of the film, to report to a New York police court on complaints that the film presented a "public nuisance" and was a threat to basic public welfare. Attorneys for Aitken and Griffith argued that the film was not a risk to public welfare and cited the support of President Wilson. After their successful argument, the lay judge presiding over the case ruled that he could not prohibit the premiere of the film since there was no evidence of public endangerment.

Although Dixon had gathered substantial support for the film and Griffith remained untouched by the criticism of the film, the storm created by the film continued. Oswald Villard, owner of the *New York Evening Post* and a staunch opponent of President's Wilson segregation policies, attacked the film as a vessel of racism, bigotry, and prejudice. Villard extended his attack by requesting that New York Mayor John P. Mitchell cancel showings of the film. Following this request and increasing pressure by the NAACP, the National Board of Censorship, after viewing the movie, ordered that select scenes in the movie be removed.

Upon completion of the film edits, the NAACP viewed the film and was still displeased. After repeated requests were made to Mayor Mitchell, the mayor viewed the film and deemed it capable of breaching the peace. The producers of the film were made aware of the mayor's position, and they removed additional scenes from the film, although the NAACP was still displeased with the second revisions.

One month later, after the second revision of the film, a Boston theater showing the film witnessed the first case of public disruption when an audience member threw refuse at the movie screen. Within the same month, a violent altercation occurred when a group of Black customers was denied access to tickets to view the film. A large crowd formed, and police officers were called to quell the demonstration. Massachusetts Governor David Walsh seized the opportunity to put forth a bill in the legislature that would prohibit racially inflammatory films. Ultimately, the bill failed when the state judiciary committee ruled it to be unconstitutional but was eventually solicited in the U.S. Congress.

Reactions like the one in Boston began to occur across the country. Du Bois realized that the increasing criticism coming from the NAACP was

only increasing interest in the film and limited the negative position of the organization.

Following the events in Boston, Dixon was asked the purpose of the film. Dixon's response was interpreted to mean that he wanted the country to learn the true story of Reconstruction and that the film portrayed the story with accuracy. Specifically, the film was intended to create hate in White males and females toward Black males.

President Wilson, having previously voiced support of the film, disliked the negative publicity that it had garnered. His chief of staff, Joseph Tumulty, advised the president that his support of the film would cost him votes in the 1916 presidential election. A steady flow of criticism came from the New York headquarters from the National Colored League, and national newspapers reported outbreaks of violence in cities where the movie had premiered.

Despite the film's historical inaccuracies, numerous attempts to censor the film, and the repeated criticisms and attacks by the NAACP, all of which were aimed at discrediting the film, the appeal of the film remained strong and widespread. As a result of the film's success, a large number of White Americans fell victim to the film's romantic and inaccurate story of the dramatic redemption of the South by the Ku Klux Klan. Support for the film ignited a renewed interest in the Ku Klux Klan and the country's secret societies, fueling organizations to revive the fraternal order.

Griffith received a great deal of criticism for his making of the film. Despite the criticism, he maintained that the film was an accurate portrayal of history based in large part on the use of scholarly sources to construct the story of the film. Though the film is widely criticized due to its purported historical inaccuracies, it is important to note that the sources and scholarly texts Griffith relied on as a basis for the film were claimed to be the most thorough and accurate at the time.

Andrew Bradford

See also Du Bois, W. E. B.; Ku Klux Klan; Ku Klux Klan Act; Lynching; NAACP Legal Defense Fund

Further Readings

A hundred years of terror. Retrieved from http://vlib.iue.it/history/USA/ERAS/klukluxklan.html

Jackson, K. T. (1967). *The Ku Klux Klan in the city*. New York: Oxford University Press.

O'Reilly, K. (1997). The Jim Crow policies of Woodrow Wilson. *The Journal of Blacks in Higher Education, 17,* 117–121.

Black Codes

Following the Civil War, southern legislatures created the Black Codes to regulate the civil and legal rights and responsibilities of former slaves and free Blacks. In the face of the devastation caused by the Civil War and the ensuing economic depression in the agriculturally based economy, severe restrictions were imposed on Black people so that they would not gain legal, political, economic, and social rights. Indeed, the Black Codes were designed to maintain White control over the Black population. While the Black Codes were different from restrictions during slavery, they placed the states in a position similar to that of the former slave masters.

Black Codes not only controlled the lives of Black people but also were the source of free labor, which was needed to replace the abolished slave labor. Since the Thirteenth Amendment allows slavery as a punishment for a criminal conviction, several states enacted vagrancy and other racially based laws to alleviate the South's labor shortage. Since Blacks were often snagged by these vagrancy laws, and were unable to pay fines, they increasingly became enmeshed in the criminal justice system. This led to an increase in the Black prison population and provided a legal foundation for forced labor as a punishment.

This entry provides an overview of the Black Codes by explaining the various forms of the racialized laws and their effects, including their use as the basis for a changing prison system. The differences among the Black Codes, antebellum Slave Codes, and Jim Crow segregation laws are also examined.

Examples of Black Codes

The Black Codes varied from state to state but most regulated employment. In addition to requiring Black people to work, the codes dictated the type of work to be performed, work hours, duties,

and prescribed behavior. For instance, in South Carolina, the Black Codes restricted former slaves from any occupation other than as agricultural workers or household servants unless they obtained a special license and paid an annual tax. In addition, Black people were often restricted from renting or leasing land outside a town or city, which meant that they could not raise their own crops. As a result, Blacks were often forced to work on agricultural lands owned by Whites.

In addition to restricting the type of work Black people could perform, residency within towns and cities was often discouraged. For example, local Louisiana ordinances prohibited urban residency unless a White employer agreed to be responsible for his employee's conduct.

Freedom to travel was also restricted. To enter the town of Opelousas, Louisiana, for instance, Blacks needed written permission from their employer. A Black person without such a note could be arrested and imprisoned if found in the town after 10 p.m.

In addition to employment and residency restrictions, the Black Codes prohibited the right to vote, required poll taxes and literacy tests to vote, forbade being on juries, limited the right to testify against White men, outlawed interracial marriage, restricted carrying weapons in public places, prohibited preaching the gospel without a license, banned the use of insult gestures or language directed toward a White person, and forbade doing "malicious mischief," which was broadly defined. Conviction for any of these could result in a fine or forced labor, including on plantations.

An example of how the lives of Black people were controlled and used to provide free labor for Whites can be found in the Black Codes of Mississippi. In Mississippi, anyone who was guilty of theft, was absent from work, had left a job in breach of a job contract, was intoxicated, used insulting language or conduct, had neglected a job or family, had handled money carelessly, and all other idle and disorderly persons were convicted of vagrancy, which could result in forced labor. Other vagrancy laws required every former slave to have written evidence of a legal home. Moreover, failure to pay a yearly tax was prima facie evidence of vagrancy. The sanction for vagrancy was being hired out by a justice of the peace. Further, any former slave under the age of 18 could be apprenticed against his will, with the former slave owner having preference to the apprentice.

Another example is Florida, where the Black Code of 1865 provided that anyone who did not pay a fine resulting from a conviction of assault, vagrancy, misdemeanors, malicious mischief, and offenses against religion, chastity, morality, and decency, could be sentenced to up to 6 months.

Black Codes were not limited to southern states. Vagrancy and convict leasing laws existed in the North. For instance, Ohio enacted Black Codes that regulated residency and employment of Black people.

Black Codes as the Basis for Changing Prison Systems

Faced with the challenge of the increase in the prison population and lack of money to fund new prisons, the prison system developed penal farms, chain gangs, and the convict lease system. As the inmate population shifted from predominantly White inmates to predominantly Black inmates, the new prison systems became extensions of the slave system.

Convict labor was a very efficient and rational strategy to quickly achieve industrialization of the South. For example, the Georgia railroads were built by convicts, and Alabama used convict labor in the coal mines. By 1888, all of Alabama's able male prisoners were leased to two mining companies.

Eventually, the convict lease system was abolished, but its structures of exploitation have reemerged in the patterns of privatization and wide-ranging corporatization of punishment that has produced a prison industrial complex.

Jim Crow Laws

Black Codes were not the same as the Slave Codes or the Jim Crow laws. The Slave Codes were passed in colonial America to regulate the lives of slaves, whereas Jim Crow laws, adopted after the fall of Reconstruction, enforced racial segregation by mandating separate but equal status for Black people. They required that public accommodations, including schools, public places, and public transportation, have separate facilities for Whites

and Blacks. Jim Crow laws remained in existence until the 1960s.

Jo-Ann Della Giustina

See also Chain Gangs; Convict Lease System

Further Readings

Carper, N. G. (1976). Slavery revisited: Peonage in the South. *Phylon, 37*(1), 85–99.
Currie, J. T. (1980). From slavery to freedom in Mississippi's legal system. *The Journal of Negro History, 65*(2), 112–124.
Foner, E. (1988). *Reconstruction: America's unfinished revolution 1863–1877*. New York: HarperCollins.
Wilson, T. B. (1965). *The Black Codes of the South*. Birmingham: University of Alabama Press.

Black Criminology

Katheryn K. Russell-Brown coined the term *Black criminology* in a seminal 1992 article that appeared in *Justice Quarterly*. Black criminology entails the development of an integrated theoretical construction and an empirical research analysis that focus on race as an essential variable in the study of crime committed by Blacks. While Black criminology remains a subfield of mainstream criminology, it addresses and explains the race–crime relationship as it relates to the involvement of Blacks in the criminal justice system. This approach goes beyond the spotlight on the impact of the criminal justice system on Blacks by emphasizing the expansion of criminological perspectives that elucidate Black criminality and the formulation of new assumptions to explicate the race–crime connection. Additionally, the study of Black criminology involves an understanding of the historical experiences of Blacks and how they are perceived by the majority population, the historical use of American legal instruments against Blacks, the role of Black threats, fertilization of Black criminality, and the continued significance of race in the study of crime and justice.

For nearly 2 decades, academic criminology has witnessed a proliferation of the literature on the connection between race and crime, focusing on a variety of topics. Some criminologists have called for the development of a Black criminological perspective. Others have examined holistically the major theoretical paradigms as they relate to minority issues in criminology; the effects of racial threat in the criminological enterprise; and African American attitudes and the effects of economic inequality. Researchers have scrutinized the issue of race and ethnicity, the impacts of racial stereotypes in the American justice systems, and the imperative concept of jury nullification. There is important and still emerging literature on petit apartheid realities or microaggressions in the criminal justice system, as well as diverse literature on racial classifications and the question of skin color as they relate to adjudicatory practices.

While a plethora of existing works examine the race–crime association in criminology, Russell has called for development of the Black subfield, which will synthesize the connection of race and crime in a collective whole. Some scholars argue that a Black criminological perspective is needed to counter the false assumption that Blacks are more prone to criminal behavior and to provide an adequate explanation of Black participation in crime. Others hold that criminological perspectives have failed to explain the relationship between race and crime.

As originally conceptualized, Black criminology simply calls for a novel model in criminological theorizing that will explain Black criminality. This nucleus of a new paradigmatic perspective will reintroduce essential variables and concepts in criminological research that have been generally ignored or categorically dismissed by mainstream study of the phenomenon of crime. Additionally, Black criminology seeks to provide a historical context for the changing relationship between race and crime that may integrate innovative theoretical approaches (domain assumptions) in the understanding of crime. A Black criminological perspective is also needed to explain the differences in White and Black crime rates in a way that does not rely on mainstream approaches to the study of minority involvement in crime. A detached and distinct approach within the confines of the discipline is needed to address such issues as historical experiences of Blacks in America, cultural variations, and ethnic or racial drives, as well as tribal responses and tolerance. The parameters of

this subfield should not be restricted to a simple analysis of what constitutes the meaning of race or Blackness; rather, it should also consider issues such as decarceration of the Black population under total surveillance, Black coding, and social distance, while also emphasizing the articulation of new theoretical paradigms that explain Black criminality.

Black Criminology and the Black Prison Population

Jeremy Bentham's concept of the Panopticon (a prison structure that allowed guards to monitor the every move of the prisoners without them being aware that they were being monitored) in the 18th century involves an architectural plan for penitentiaries that became a focal point in Michel Foucault's prison theory of surveillance. What Foucault calls the "capillary method of the social organism," the minutiae of everyday life routines, is penetrated by the new surveillance of industrialist establishment in America. Blacks make up the single largest ethnic group in prison, even though they make up about 13% of the total population. Black criminology must focus on developing models that will help to reclaim the Black population under total electronic surveillance. A recent report released by the Pew Public Safety Performance Project indicates that 1 in every 100 adults is currently held in American detentions or prisons. For Blacks in particular, the Pew finding is upsetting. While 1 in 30 male adults between the ages of 20 and 34 is in prison or jail, for Black men in the same age category the figure is 1 in 9. For White men ages 18 and older, the figure is 1 in 106, and for Hispanic male adults, the figure is 1 in 15. This is compared to 1 in 265 for all women and 1 in 297 for Hispanic women. For Black women in their mid- to late 30s, the incarceration rate is 1 in 100. In total, the report shows that the total adult prison population at the beginning of 2008 in both state federal prison centers stood at 2,319,258.

The Pew study finds that policy changes, such as the three strikes laws, longer sentences, and policy changes in parole and probation, have contributed to the massive prison population. Most Black male and female inmates are sentenced for selling marijuana and other drugs. In many cases, they are imprisoned as a result of petit apartheid realities such as the inability to make high bails, discrimination in sentencing and in the use of sentence guidelines, and other instances of discrimination in the criminal justice system.

Black criminology is essential to an articulation of the ontological and etiological antecedents—rooted in history—that are important to understanding and addressing the overincarceration of Blacks in American total institutions. A coherent subfield will continue to examine scientifically the problems and the motives that have resulted in the overrepresentation and marginalization of Blacks in prisons. Racial coding is one example of such a problem that is worthy of more research. *Race coding* refers to biased opinions and attitudes of some Whites toward minorities. One criminological example of this is the previous disparity in federal sentencing against violators of crack cocaine and powdered cocaine usage, in which the penalties for crack cocaine were 100 times more punitive than those for powder cocaine. The racial divide identified by scholars in election laws and housing and welfare policies affects racial coding as well. Welfare policy changes in this country are rooted in negative majority attitudes toward Blacks: a racial coding that implies that Blacks are obviously poorer than Whites. A covert implication that emerged from changing the welfare rule was to stop supporting Black women who may have relied on welfare policies for minimum existence. Another example of race coding is the myth that Blacks are dangerous, as is evidenced in the Willie Horton presidential campaign advertisements aired during the Bush–Dukakis presidential election of 1988. The videotaped beating of Rodney King in 1991 also characterizes this covert agenda.

Black criminology can also increase our understanding of the concept of social distance and its impact on the sentencing of minorities. *Social distance* depicts the detachment between different groups in the community, including the differences or the degree of contacts among races, ethnic groups, social class, gender relations, and sexual relationships. The early conceptualization of social distance scale was designed to assess individual keenness to partake in societal events of changeable degrees of closeness. While the

concept originally relates to cities, criminologists have applied it to the study of race and crime, with special emphasis on the disproportionate representation of Blacks in the criminal justice system based on skin color. In the sphere of criminology, social distance is characterized by several factors, including physical characteristics, individual accomplishments to society, perceived dangerousness of racial groups, accepted values of individuals, and perceptions of minority threat.

Historical evidence shows that other oppressed groups in America were viewed as uncultured, while Blacks were analyzed as unsophisticated and regarded as less than human.

The Concept of Black Threat in Black Criminology

The concept of Black threat can help elucidate the argument for and relevance of a Black criminological perspective in mainstream theoretical explanation of crime and justice as it pertains to ethnic minorities. While rational choice perspective insists that urban resources are shared in order to achieve the goals of social control, the conflict approach holds that societal resources are distributed with the aim of controlling ethnic and racial minorities. On this view, the majority fear minority power in terms of economic, political, social, educational advancement, and population explosion, especially in times of economic retardation. The police, as the primary gatekeepers of the criminal justice system, are utilized for social control mechanisms. Basically, changes in immigration policies, increases in minority population, and stereotypes of minority groups may amplify the chances that minorities will be labeled as threats to society. This means that the concept of minority threat, and in this case, Black threat, is important as a part of Black criminology theorizing, since there is historical evidence to demonstrate that Blacks have been viewed as a threat by the majority policymakers and judicial precedent leaders.

The concept of minority threat describes a process of inflicting penalties and injuries onto a minority group through overt or covert policies of social control due to perceived increases in population, distribution of political and economic rewards, and perceptions of dangerousness.

New Directions for Black Criminology

While Russell's conceptualization of Black criminology is novel in its emphasis on the development of new paradigms in criminology that will explain Black criminality, advances in Black criminology must continue to focus on the plight of Blacks in the criminal justice system. Articulating and explaining the race–crime relationship requires study of the impact of the justice system on all Black people, including the differential treatment of Blacks by the criminal justice system. Black criminology ought to include explanations of issues affecting all Black people of African descent, whether they are in the United States, on the African continent, the West Indies, the United Kingdom, or elsewhere in the African Diaspora. The focus of Black criminology must be inclusive without confining itself to explanations of the criminality of African Americans. It may even include the explanation of crimes committed by Hispanics and other neglected ethnic minorities by mainstream criminology.

This means that this subfield as articulated originally must also continue to examine the definitional issues relating to race and ethnicity in the study of crime and justice in order to minimize the definitional dilemma of these concepts. An acceptable typology of the race variable will enable Black criminology to provide objective characteristics of the lawbreakers and the victims of crime and will help to build and construct plausible theoretical assumptions. Since criminology can be described as the study of crime and criminals, which involves causes and consequences as well as state regulations and reactions to rule violations, Black criminology must pay attention to the crimes associated with Blacks, male and female participants in criminality, and the treatment of Black people in criminal justice practice while still focusing on theoretical explanations of the causes of Black criminality by incorporating new concepts and variables and other ideas that have not yet been fittingly examined.

Ihekwoaba D. Onwudiwe and
Chibueze W. Onwudiwe

See also Disproportionate Incarceration; Disproportionate Minority Contact and Confinement; Minority Group Threat; Prison, Judicial Ghetto

Further Readings

Covington, J. (1995). Racial classification in criminology: The reproduction of racialized crime. *Sociological Forum, 10,* 547–568.

Franks, S. E., & Garand, J. C. (2002, November). *Race coding and White support for crime spending: Subjective evaluations, objective conditions, and media influences*. Paper presented at the annual meeting of the Southern Political Science Association, Savannah, GA.

Gabbidon, S. L. (2007). *Criminological perspectives on race and crime*. New York: Routledge.

Gabbidon, S. L., Greene, H. T., & Wilder, K. (2004). Still excluded? An update on the status of African American scholars in the discipline of criminology and criminal justice. *Journal of Research in Crime and Delinquency, 41,* 384–406.

Georges-Abeyie, D. (1989). Race, ethnicity, and the spatial dynamic: Toward a realistic study of Black crime, crime victimization, and criminal justice processing. *Social Justice, 16,* 35–64.

Gilens, M. (1996). Race coding and White opposition to welfare. *American Political Science Review, 90,* 593–604.

Harer, M. D., & Steffensmeier, D. (1992). The differing effects of economic inequality on Black and White rates of violence. *Social Forces*, *70,* 1035–1054.

Herrnstein, R. J., & Murray, C. (1994). *The bell curve: Intelligence and class structure in American life*. New York: The Free Press.

Holmes, M. D., Smith, B. W., & Freng, A. B. (2008). Minority threat, crime control, and police resource allocation in the southern United States. *Crime & Delinquency, 54,* 128–152.

Hurwitz, J., & Peffley, M. (1997). Public perceptions of race and crime: The role of racial stereotypes. *American Journal of Political Science, 41*, 375–401.

Mendelberg, T. (1997). Executing Hortons: Racial crime in the 1988 presidential campaign. *Public Opinion Quarterly, 61,* 134–157.

Myers, M. A. (1990). Black threat and incarceration in postbellum Georgia. *Social Forces, 69,* 373–393.

Myrdal, G. (1944). *An American dilemma*. New York: Harper & Row.

Onwudiwe, I. D. (1994, November). *Black criminology: A sub-field of mainstream criminology*. Paper presented at the 46th annual meeting of the American Society of Criminology, Miami, FL.

Onwudiwe, I. D., & Lynch, M. J. (2000). Reopening the debate: A reexamination of the need for a Black criminology. *Social Pathology: A Journal of Reviews, 6*, 182–198.

Parker, K. D., Onyekwuluje, A. B., & Murty, K. S. (1995). African Americans' attitudes toward the local police: A multivariate analysis. *Journal of Black Studies, 25,* 396–409.

Peffley, M., Hurwitz, J., & Sniderman, P. M. (1997). Racial stereotypes and Whites' political views of Blacks in the context of welfare and crime. *American Journal of Political Science, 41,* 30–60.

Russell, K. K. (1992). Development of a Black criminology. *Justice Quarterly, 9*, 667–683.

Tatum, B. L. (2000). Deconstructing the association of race and crime: The silence of skin color. In M. W. Markowitz & D. D. Jones-Brown (Eds.), *The system in Black and White: Exploring the connections between race, crime, and justice* (pp. 31–46). Westport, CT: Praeger.

Black Ethnic Monolith

The disproportionality of so-called Negroid, or Black, criminality in North America is documented in numerous federal, state, and local data sources. Unfortunately, Negroid criminality is usually discussed as if persons of Negroid racial ancestry in North America constitute a "Black ethnic monolith," which is blatantly incorrect. Thus, the studies of the causative or associative factors in Negroid criminality are at best suspect. This entry reviews the assumptions underlying this concept and examines implications for the analysis of disproportionate criminality.

The Concepts of Race and Ethnicity

Criminologist and social-cultural-political geographer Daniel E. Georges-Abeyie in 1989 challenged the concept of a "Black ethnic monolith" that equates the social reality of alleged Negroid racial identity with ethnic identity. He noted that a realistic study of Black/Negroid crime, Black/Negroid crime victimization, and the criminal justice processing of Blacks/Negroids must be cognizant of the ethnic diversity that exists within the African Diaspora of North America (i.e., the result of enslavement and forced immigration of Africans to the Americas). An additional consideration is that the African Diaspora of North America included numerous cultural groups with shared cultural

experiences, varied social interaction patterns, and distinct spatial locations and identities. Thus, race is a false biological delineator. In fact, the false biological delineator of race also frequently alleges mental characteristics associated with intelligence, temperament, morality, predisposition, and mood. Hence, it can be concluded that the false biological delineator of race for Negroid North Americans has become the equivalent of ethnicity in the minds of Whites and of non-Whites, including so-called Blacks, or Negroids, thereby resulting in the concept of a "Black ethnic monolith." Georges-Abeyie also concluded that Negroid North Americans frequently exhibited the multidimensional value space of dominant cultural mores and norms, subcultural mores and norms, and contracultural mores and norms first noted by Lynn A. Curtis in 1975. Similar to Curtis, Georges-Abeyie believed that the representatives of the dominant culture criminalized some of the Negroid North American subcultural and contracultural norms.

The concept of a Black ethnic monolith at its very core is faulty in that the social-cultural delineations of race and ethnicity are not equivalent. Although there is no single widely accepted, much less universally accepted, definition of race, race is theoretically a biological delineator—a false one that the American Anthropological Association has rejected since 1998. It is also a questionable biological concept that geographers critique and tend to replace with the spatial concept of "geographic races" (i.e., persons in close residential proximity with similar, not identical, genetic-based physical characteristics). Similar to race, there is no single accepted, much less universally accepted, definition of ethnicity. However, social scientist Milton Gordon's classic 1964 study of assimilation in North American life coined one of the most enduring definitions of ethnicity. Gordon's work focused on European Americans. Gordon noted that ethnicity was the intersection of race, religion, and national origin. Gordon's concept of ethnicity included a questionable biological component as well as a spatial component and a cultural component (i.e., learned behavior and beliefs [norms and mores]). The problem with the European-oriented ethnic delineator typically utilized by European-oriented social scientists or those influenced by them is threefold when discussing the disproportionality of Negroid North American criminality.

1. The *spatial component—nation of origin*—is of little utility when discussing Negroid North American national origin, in that most Negroid North Americans have little to no knowledge of their African (nation-state) origin. Thus, of greater utility in discussing the spatial component of Negroid North American origin is the concept of "place of origin" in North America, introduced by Georges-Abeyie in 1989.

2. The *study of religion* in reference to the Negroid North American is questionable in that the institution of intergenerational enslavement truncates historical study of religion as a component of an indigenous culture. Slave masters and postbellum practices during and after the Jim Crow era in the United States intentionally obliterated much of the indigenous African culture. Nonetheless, it is logical and prudent to study the mores and norms that developed during and after the initial African Diaspora and the subsequent spatial reality in rural and urban North America.

3. The *study of race,* as noted previously, is at best suspect in that the social construction of racial delineation typically focuses on specific phenotypic characteristics such as somatotype, phrenology, physiognomy, and skin color while ignoring others. Anyone with the most rudimentary acquaintanceship or interaction with Negroid North Americans knows that Negroid North Americans are phenotypically dissimilar: some are tall, others short; some are dark complexioned, others light complexioned; some are ectomorphic (slender), others endomorphic (plump/heavyset) or mesomorphic (muscular).

Implications for Criminology

The significance of the Black ethnic monolith in reference to the apparent disproportionality of so-called Negroid or Black criminality in North America relates to crime and/or criminal victimization etiology. *Etiology* is the cause or the study of the causes of a phenomenon or phenomena. The core problem with regard to the study of Negroid North American criminality is that the Black ethnic monolith is a mass media and social science delusion like that of race. Psychology defines a *delusion* as a false fixed belief. The Negroid North American

Black ethnic monolith is heterogeneous in terms of ethnicity, if ethnicity is defined as identity based upon race, culture, and place of origin. Different self-identifying persons as well as externally identified persons of Negroid North American racial identity have experienced different interaction patterns as individuals and as collectives with persons culturally similar or dissimilar to themselves.

The Black ethnic monolith includes individuals whose first languages are English, French, French Patois, Spanish, Portuguese, Garifuna, Gullah, Ibo, Yoruba, Zulu, Xhosa, Fanti/Fante, Amharic, and, literally, hundreds of other languages currently spoken on the African continent by indigenous people. Millions of Negroid North Americans are of antebellum origin (existing before the U.S. Civil War), while millions of others are of Caribbean and Afro-Latino origin from Central America and South America. Hundreds of thousands of Negroid North Americans are postbellum African immigrants or the offspring of postbellum African immigrants. Each Black ethnic community has unique experiences in North America, and each community brings a unique complex of norms and mores, including those concerning family, education, religion, morality, amorality, immorality, and adherence to and respect for the law and law enforcement agents and agencies. Each ethnic community has its own unique role sets, that is, complex of mores and related norms and folkways.

In turn, each Negroid North American community—ethnic group—manifests social distance toward its own ethnic group as well as toward other Negroid North American communities and non-Blacks. Each Negroid North American community in turn manifests social distance from the perspective of others who know of their existence or who interact with them, if *social distance* is defined as the type and amount of desirable interaction with members of one's own identity grouping or those of another identity grouping.

The concept of honor varies among and between Negroid North American identity groupings, as do hygiene, religion, attire, jewelry, eye contact, scarification and body adornment, the carrying of weapons, what constitutes an insult, appropriate interaction by persons of the same sex or by persons of different sexes and sexual orientations, concepts of gender (masculinity and femininity), body spacing, dialect, syntax, intelligence, intrafamilial respect, loudness of speech, and a host of other verbal and nonverbal indicators of subservience, passivity, submissiveness, politeness, deception, and aggression.

The problem of the etiology of criminality and criminal victimization as denoted in Part I index crimes (e.g., FBI's Part I Index Offenses; more serious offenses) by Negroid North Americans identified as the Black ethnic monolith is, in part, a misunderstanding of the concepts of race and ethnicity, especially when discussing the social-cultural-spatial reality of the African Diaspora of North America. The manifestation of culture is, in large part, the consequence of actual and perceived shared experiences. Thus, an individual need not directly experience an overt act to share in the cultural space or consequence of that act. Experiences are passed, in part, from generation to generation as well as among the membership of each generation via music and other performance art, body language, imagery on paper and in the electronic media, and by the spoken word, including rumors and facts. Language is nonverbal as well as verbal.

Group identity and individual experience filter, focus, and modify culture including what a member of a specific ethnic or racial identity grouping perceives as appropriate or inappropriate or even criminal. Although there are few data disaggregated for different Black ethnic groups, the cultural heterogeneity of these groups should and probably does result in differential crime rates among different ethnic identity groups within the African Diaspora in North America. Thus, a realistic study of the etiology of the disproportionality of Black criminality requires an understanding of the unique experiences shared by members of each Black ethnic identity group.

Daniel E. Georges-Abeyie

See also Chicago School of Sociology; Prison, Judicial Ghetto; Social Disorganization Theory

Further Readings

Curtis, L. A. (1975). *Violence, race, and culture.* Lexington, MA: Lexington Books.

Georges-Abeyie, D. E. (1989, Winter). Race, ethnicity, and the spatial dynamic: Toward a realistic study of Black crime, crime victimization, and criminal justice processing of Blacks. *Social Justice, 16,* 35–54.

Gordon, M. M. (1964). *Assimilation in American life: The role of race, religion, and national origin.* New York: Oxford University Press.

Parrillo, V. N. (2000). *Strangers to these shores: Race and ethnic relations in the United States.* Boston: Allyn & Bacon.

Black Feminist Criminology

Black feminist thought is collective knowledge used to empower African American women. Such knowledge empowers women by making them conscious of how change can occur in their everyday lives. This entry first reviews the status of African American women and describes key themes in Black feminist thought. It then considers ways in which an understanding of the values emphasized by Black feminism might decrease the rates of criminal behavior among African American women.

African American Women in the United States

Research suggests that African American women in the United States share a variety of common experiences, such as family and work within the African American culture, that are not experienced by non–African Americans or by males. Though there are commonalties in the experiences among African American women, this does not suggest every experience or its significance is the same.

Some sociologists suggest that African American women have been thought to be oppressed; however, Black feminist thought challenges that idea. Research by Patricia Hill Collins, for example, has shown that members of subordinate groups identify with the powerful and do not have powerful interpretations of their own oppression. In this case, the powerful can be viewed as non–African American men and women along with African American males. Black feminist thought reveals that African American women are becoming increasingly knowledgeable about their past experiences and continuously looking for ways to uplift each other.

Themes in Black Feminist Thought

African American women have had noticeable effects on the functioning of each generation of African Americans. Black feminist thought focuses on such topics as the objectification of African American women, the oppression of African American women and the controlling images that surround them, the self-image of the African American woman (hair color, texture, and standards of beauty), and finally the reaction of African American women to the various controlling images. African American women have been portrayed as mammies, jezebels, matriarchs, and welfare recipients, all of which help to promote the idea of oppression. Releasing African American women from these stereotypes has been a goal of Black feminist thought. Supporters believe that the power of self-definition and a rejection of society's negative views of the African American woman can promote the ideas behind Black feminist thought. African American women have the power to promote unity and encouragement through interaction with each other, the community, and most important, through the mother-daughter relationship. Black feminist thought is built around the following themes:

- Self-valuation
- Respect
- Independence
- Self-reliance
- Change
- Empowerment

The values that most African American women place on education, sex, love, marriage, motherhood, work, and womanhood in general are shaped by the ideas set forth by the dominant society. Black feminists are working to change the negative view of African American women both within the African American community and in the broader society. Current self-perceptions of African American women are saturated with ideas of oppression and struggle, and many of these women turn to crime and violence in response to previous victimization and alienation within their families and communities. These negative self-perceptions and a lack of encouragement or uplift within a community leave an absence of the idea

of a "safety net," often viewed as friends, family, and the community.

Black feminist theorists suggest that increasing crime rates among African American women are related to the negative characteristics of their self-image, social environment, and status. Currently, the rate of female incarceration is increasing, and the number of non-White women incarcerated is disproportionately high compared to their numbers within the general population. In light of this increase in incarceration, Black feminists seek to show ways in which the value system embodied in Black feminist thought can decrease criminal offending by African American women.

Black Feminist Thought and Crime Among African American Women

African Americans in general have disproportionately higher incarceration rates within the United States than do other groups in America. Research shows that according to the Department of Justice, from 1997 to 2006 the number of crimes committed by African Americans declined; however, there continues to be a steady increase in the number of incarcerations every year. The number of incarcerated women has more than doubled, growing 11.2% annually, and women accounted for more than 7% of the prison population in 2007. The majority of women who are incarcerated are minorities, with two thirds of the women confined in jail being Black, Hispanic, or of another non-White ethnic group. According to Dallaire, the demographic characteristics of the incarcerated women often include those 25 years of age or older. The majority of the women are from low-income communities in which rates of homelessness (often described as "contemporary urban poverty") continue to increase substantially. The majority of crimes committed by African American women are nonviolent crimes such as drug offenses, theft, and prostitution, which can be labeled as "low-self-esteem" or instrumental crimes. Black feminist theorists note that such crimes can result from low self-esteem or may result from attempts to maintain relationships within the family. These crimes are normally "repeat offender crimes" among African American women. If a lack of self-awareness and self-esteem makes African American women more likely to participate in such harmful activities, the values emphasized by Black feminist thought might lead to a decrease in these nonviolent crimes, as the women view themselves in a more positive manner and develop greater self-respect.

Research Suggestions

Scholars have pointed out a variety of initiatives that could implement the values of Black feminist thought within the African American community. Community outreach programs that specifically target those who would be most affected by Black feminist thought would be valuable. Mentoring programs for African American women would also be beneficial. Specifically, programs that strengthen mutual understanding and support among African American women are necessary, as are those that help to dismantle views of hate and discrimination that often constrain self-esteem and self-confidence.

Additionally, counseling would be an effective measure for implementing the values underlying Black feminist thought. Counselors are valuable resources for those in need of guidance or those who need to be empowered, uplifted, or enlightened. Moreover, to increase understanding and knowledge of Black feminist thought, accessibility to educational courses that include it would also be beneficial.

Zina McGee, Sophia Buxton, and Tyrell Connor

See also Drug Sentencing; Female Gangs; Mentoring Programs

Further Readings

Collins, P. H. (2000). *Black feminist thought: Knowledge, consciousness, and the politics of empowerment*. New York: Routledge.

Dallaire, D. (2006). Children with incarcerated mothers: Developmental outcomes, special challenges and recommendations. *Journal of Applied Developmental Psychology, 28*, 15–24.

Greene, H. T., & Gabbidon, S. L. (2000). *African American criminological thought*. Albany: SUNY Press.

Huebner, B., & Gustafson, R. (2007). The effect of maternal incarceration on adult offspring involvement in the criminal justice system. *Journal of Criminal Justice, 35*, 283–296.

Potter, H. (2006). An argument for Black feminist criminology: Understanding African American women's experiences with intimate partner abuse using an integrated approach. *Feminist Criminology, 1,* 106–124.

Richie, B. E. (2001). Challenges incarcerated women face as they return to their communities: Findings from life history interviews. *Crime & Delinquency, 47,* 386–389.

Siegel, L. (2000). Prison life: Females. In *Criminology* (7th ed., pp. 599–600). Belmont, CA: Wadsworth/Thomson.

Black Panther Party

The Black Panther Party (BPP), a revolutionary Black Nationalist organization, was cofounded in 1966 in Oakland, California, by two college students, Huey P. Newton and Bobby Seale. They created the Black Panther Party because recently passed civil rights legislation seemed to have had little impact on the multitude of dismal circumstances facing Black communities in the United States. To this end, Newton and Seale composed their Ten Point Platform and Program, in which they outlined critical issues that were facing Black communities, among them substandard housing, police brutality, inadequate education, and a racially discriminatory legal system. Although its platform emphasized practical "bread and butter" issues, the BPP considered itself to be a revolutionary organization, one whose ultimate goal remained the total political and economic transformation of the United States. The party's cofounders drew from the works of a broad range of revolutionary theory, including Franz Fanon's *Wretched of the Earth,* Che Guevara's *Guerrilla Warfare,* and the writings of Mao Tse-tung. Newton and Seale adopted the symbol of a black panther for their fledgling organization, borrowed from the Lowndes County Freedom Organization, a branch of the Student Nonviolent Coordinating Committee (SNCC) established to secure Black voting rights in Alabama.

The Black Panther Party rapidly morphed from an Oakland-based group with fewer than 50 individual members into a national organization with more than 5,000 members in 29 states and in Washington, D.C., as well as an international chapter in Algeria. Panther chapters existed in other locations, including Seattle, Des Moines, Omaha, and Denver; they also appeared in numerous southern cities, including New Orleans, Memphis, and Winston-Salem, North Carolina.

During its 16-year life span, 1966 to 1982, the BPP went through five distinct stages. In the first stage, from October 1966 to December 1967, the party was a revolutionary California-based organization engaged in grassroots activism in the Oakland/San Francisco Bay Area and Los Angeles. The second phase, January 1968 to April 1971, represents the heyday of the Black Panther Party, during which the overwhelming majority of the BPP chapters across the United States were formed. This rapid expansion led to intense political repression by the U.S. government and intrafactional conflict. In the third phase, May 1971 to July 1974, the party's leadership stressed community outreach programs and electoral politics rather than armed confrontations against the government. This deradicalization era was highlighted by the Bobby Seale–Elaine Brown campaign for political office in Oakland. This shift toward electoral politics was deemed so important that Minister of Defense Huey P. Newton decided to close all Black Panther Party chapters outside of Oakland and ordered party members to relocate to Oakland to support the campaign. This phase concluded with the departure of Chairman Bobby Seale, who resigned from the organization due to irreconcilable differences with Newton. The party's fourth stage, August 1974 to June 1977, was characterized by Newton's exile in Cuba. The official explanation put forth by the BPP was that Newton fled to Cuba to escape a contract placed on his life by the city's drug dealers. However, it is more likely that Newton left the country to avoid pending criminal charges. In his absence, Elaine Brown, a member of the central committee who had served as a minister of information to the organization, assumed leadership of the Black Panther Party, which successfully wielded its influence in Oakland politics. In the final phase, July 1977 to June 1982, the party's membership dwindled to fewer than 50 members, and the organization lacked the resources to implement many of its survival programs. The closing of the Oakland Community School in June 1982 marked the end of the Black Panther Party.

Throughout the course of their relatively short existence, the Black Panthers electrified the nation with their dynamic image—berets, black leather jackets, weapons—and their revolutionary zeal. Panther comrades galvanized communities and regularly participated in coalitions with the White Left and other radical minority groups. Their community outreach activities, later named "survival programs," fed, clothed, educated, and provided health care to thousands. The party's socialist orientation, advocacy or armed resistance, effective community organizing, and inflammatory rhetoric triggered intensive governmental surveillance and political repression. More than a dozen members died in gun altercations with the police. Panthers were frequently arrested and were often the target of the FBI counterintelligence program, COINTELPRO, whose actions had been levied against the Black Panther Party.

Among the acts of repression levied against the BPP was the 1969 arrest of 21 New York Panthers on a host of conspiracy charges to bomb department stores, the Bronx Botanical Gardens, police precincts, and a commuter train. Those arrested included Afeni Shakur, the mother of the late hip hop icon Tupac Shakur. The fabricated charges lodged against the New York 21 resulted in an excessive $100,000 bail for each individual. Two years later, the Panther 21 were exonerated by a jury who deliberated for a mere 4 hours before rendering a not guilty verdict.

The organization's bravado, community service, and uncompromising leadership captivated the imagination of oppressed people across the nation and throughout the world. Panther solidarity committees were formed in England, Denmark, Sweden, Germany, and France. Similarly, aborigines in Australia formed the Australia Black Panther Party, and there was a branch of the Black Panther Party in Israel. For many people, the Panthers became an icon of Black militancy.

Shortly before daybreak on October 28, 1967, Oakland police officer John Frey stopped a car driven by Newton and his passenger Gene McKinney, Newton's longtime friend. After Frey identified Newton's automobile as a Panther vehicle, he radioed for assistance. Soon after Patrolman Herbert Heanes arrived at the scene, gunfire erupted. An unarmed Newton was rendered unconscious by two bullets in his stomach, Officer Frey was shot to death, and Patrolman Heanes suffered serious gunshot wounds. Newton was later arrested at Kaiser Hospital on multiple criminal charges, including first-degree murder of a police officer, attempted murder, and kidnapping.

Under the leadership of Eldridge Cleaver, the party's minister of information, the Panthers launched a massive legal defense campaign to win Newton's freedom, transforming the Oakland shooting incident into a cause célèbre. Rallies were organized on the Oakland courthouse grounds during the trial and across the nation. International sympathizers held rallies abroad, in Europe and Dar Es Salaam, Tanzania. He was convicted of voluntary manslaughter in 1968. He appealed the conviction, which resulted in two mistrials. The case was later dropped by the State of California.

The Free Huey campaign was the precursor to scores of BPP legal defense campaigns to secure the freedom of imprisoned Panthers, and coalition politics was a critical component in these efforts. Unlike other Black power organizations, the Black Panther Party, which is often perceived to have been anti-White, willingly engaged in coalitions with the White Left. Alliances were formed with the Peace and Freedom Party, the Students for a Democratic Society, antiwar groups, and various other radical organizations. The Chicago BPP chapter's Rainbow Coalition—organized by Fred Hampton, the legendary Panther leader killed with Mark Clark in the infamous December 4, 1969, raid by the Chicago police—included the Black Panther Party, the Young Patriots, the Students for a Democratic Society, and the Young Lords, a Puerto Rican protest group.

The BPP operated extensive community outreach projects to address the immediate material needs of the Black urban poor. In November 1969, the party's outreach efforts were formalized into the nationwide Serve the People Program and later reconceptualized, in 1971, by Newton as "survival programs." The most well-known of the survival programs was the Free Breakfast for Children Program, which was sponsored by the majority of Panther affiliates, who solicited food donations and funds from local businesses and community residents. Panthers often used the kitchens of sympathetic churches to prepare a typical meal of juice, eggs, grits, bacon, and toast. It is estimated that they fed more than 20,000 schoolchildren by the close of 1969.

Several party chapters followed the lead of the Kansas City, Missouri, chapter, which initiated the organization's first free health clinic when it opened the Bobby Hutton Community Clinic on August 20, 1969. Subsequently, chapters in Chicago, Seattle, Baltimore, Oakland, Boston, Cleveland, and Philadelphia created free health clinics. In 1974, Panthers in North Carolina established the Joseph Waddell People's Free Ambulance Service in Winston-Salem with funding from a grant sponsored by the National Episcopal Church. The party's preventive efforts for the treatment of sickle-cell anemia, a rare blood disease that largely affects people of African descent, represent another prominent example of its health outreach services. Members tested thousands of individuals for the blood disease at Panther health clinics and political rallies. The party also sponsored the Seniors Against a Fearful Environment (SAFE) program, which provided transportation for the elderly.

Education was central to the Panthers' community outreach, and the Intercommunal Youth Institute, based on earlier Panther liberation schools, was established in January 1971. During the second year of its existence, the party named the school in honor of Samuel L. Napier, a party member killed during a conflict within the organization. In 1975, the Napier Intercommunal Youth Institute was renamed the Oakland Community School (OCS) to broaden its community appeal, and this alternative school existed 11 years, from 1971 to 1982.

Women had prominent leadership positions throughout the existence of the organization—Ericka Huggins, the longtime director of the Oakland Community School, and Audrea Jones, head of the Boston BPP chapter, are but a few examples of party leadership. Indeed, Elaine Brown, the party's chair from August 1974 to July 1977, is the sole woman to head a protest organization during the Black power era.

In 1973, the BPP mounted a campaign to elect Bobby Seale as Oakland's mayor and Elaine Brown to the city's council. The Seale-Brown campaign reflected the organization's multifaceted strategy, which is often obscured by a preoccupation with the party's advocacy of armed resistance. Under the direction of Herman Smith, a Philadelphia Panther, the BPP devised and implemented a grassroots campaign strategy that relied heavily upon personal appearances by Bobby Seale. The BPP mobilized and registered thousands of potential voters via door-to-door organizing and through political rallies. During one event, the party distributed 10,000 bags of groceries, with a chicken in every bag. However, both Seale and Brown lost their respective bids for political office. Although the BPP failed to capture political power in 1973, its efforts provided groundwork for the historic 1977 election of Lionel Wilson as the city of Oakland's first Black mayor.

Among the multiple factors that contributed to the demise of the Black Panther Party, government repression is first and foremost. The systematic political repression not only took a toll on the membership but also diverted critical resources from community organizing to legal defense campaigns. However, there were internal problems as well. Newton's substance abuse and erratic dictatorial tendencies severely crippled the organization, contributing to its downfall. A cult of personality around Newton permitted his unprincipled behavior to go unchallenged. In addition, intrafactional conflict over tactics—urban guerilla warfare versus an emphasis on survival programs—resulted in deaths of two Panther comrades in 1971 and prompted the exodus of other members, including several key players who had the stature to challenge Newton's leadership dominance. Finally, the organization eventually ceased to exist due to membership burnout. Black Panther Party membership required a full-time commitment. After years of tireless service, communal living, and constant government harassment, many Panthers eventually left the organization to regain a sense of normalcy.

Charles E. Jones

See also COINTELPRO and Covert Operations

Further Readings

Alkebulan, P. (2007). *Survival pending revolution: The history of the Black Panther Party*. Tuscaloosa: University of Alabama Press.

Cleaver, K., & Katsiaficas, G. (Eds.). (2001). *Liberation, imagination, and the Black Panther Party: A new look at the Panthers and their legacy*. New York: Routledge.

Jeffries, J. L. (Ed.). (2007). *Comrades: A local history of the Black Panther Party*. Bloomington: Indiana University Press.

Jones, C. (Ed.). (1998). *The Black Panther Party reconsidered*. Baltimore: Black Classic Press.

Seale, B. (1991). *Seize the time: The story of the Black Panther Party and Huey P. Newton*. Baltimore: Black Classic Press. (Originally published 1970)

Blaxploitation Movies

Frank Beaver, author of *Dictionary of Film Terms*, defines *blaxploitation* as "commercially minded films made to appeal specifically to the interests of black audiences" (p. 37). The origin of the term is credited to then-President of the National Association for the Advancement of Colored People's Beverly Hills chapter, Junius Griffin, who deemed the genre of movies geared toward African Americans as blaxploitation—that is, exploitative toward Black Americans. Melvin Van Peebles' *Sweet Sweetback's Baadasssss Song* (1971) is credited with opening the door for many Black-themed movies that would later become known as blaxploitation.

From the period of 1970 to 1975, more than 200 blaxploitation movies were made, in genres ranging from horror, westerns, comedy, drama, and by far the most popular subgenre, action. In discussing blaxploitation, African American cultural critics aptly point to stereotyping as the most pervasive and damaging effects of the movies as well as the lack of a Black cultural aesthetic in making these movies. Studios received much criticism for their role, but the most stinging indictment was reserved for the actors and actresses for portraying characters that treated crime solely as one of race restricted to urban areas. While there is significant scholarship linking crime and socioeconomic conditions, many critics of the genre argue that, in playing pimps, prostitutes, street hustlers, and other unsavory types, blaxploitation actors in particular contributed to the portrait of African American men as menacing, shadowy crime figures.

Three prominent actors of the early 1970s who did little to sway the court of public opinion of the genre as anything other than one-dimensional caricatures of African Americans were Fred Williamson; Jim Brown, who after retiring from professional football sought a career in acting; and the late Ron O'Neal. These actors were regularly lambasted for their roles as drug kingpins in the inner city. Many urban youths looked up to the actors as heroes and were unable to separate the actors from their parts. This led many prominent African Americans, such as Harvard psychiatrist Alvin Pouissant, Jesse Jackson, and others, to question the responsibilities of actors involved in blaxploitation movies to abandon Stephin Fetchit depictions and roles that in their collective judgment further cemented the onscreen images of African Americans and crime as detrimental to the community.

Of the three actors, it was O'Neal, in the role of drug kingpin "Priest" in Gordon Parks, Jr.'s highly successful *Superfly* (1973), who came under heavy scrutiny for depicting the character as a cool, sophisticated, always stylish person who was popular with women, lived in plush comfort, drove the very latest car, and as his signature trademark donned a cocaine spoon as fashion attire. In the December 1972 issue of *Ebony* magazine, writer B. J. Mason explores this criticism in his article "The New Films: Culture or Con Game? Rash of 'Black' Movies Draws Both Condemnation and Praise." In pointed remarks made about *Superfly,* Griffin described the film "as an insidious film which portrays the black community at its worst. It glorifies the use of cocaine and casts blacks in roles which glorify dope-pushers, pimps and grand theft" (p. 62).

Throughout the movie, "Priest" snorts cocaine at every opportunity, but this apparently does not affect his ability to control his drug empire. Shortly after the movie was released, many African American youths began wearing cocaine spoons around their necks as fashion statements and also tried earnestly to look like Ron O'Neal's character. Critics of the movie "insisted that Priest must be seen as nothing more than a well-dressed Cadillac-driving murderer of young blacks" (p. 64). And while Parks, Jr., vehemently defended his movie by focusing on the net returns in stating "studios make films to get people to see them on whatever basis they're on. And if someone is going to put their money in a project, they expect a return" (p. 62). It is undeniable that this movie and

similar Black action movies had an impact on young African Americans looking for heroes. Further adding to Parks, Jr.'s woes for making a film that glorified drug dealers as the only viable option for those living in the urban area was his depiction of "three civil rights organizers as money-grubbing extortionists" (p. 64).

In *Black Caesar* (1972), Fred Williamson portrayed a crime lord who gets his comeuppance in the end but returns for revenge in the sequel. Jim Brown rarely played a crime figure, but his character in *Slaughter* (1972) often acted outside the bounds of what would have resulted in a jail sentence if impressionable youths tried similar tactics, such as when his character "collars a white policeman" (p. 64).

In response to civil rights activists' concerns about the depictions of crime in blaxploitation movies, the studios and directors stated they "only give audiences what they want" (p. 64). One would be pressed to find hard statistics to support the idea that blaxploitation movies were linked to crime in the African American community, but portraying characters with no redeemable attributes and to which African American youths could not have looked up to as role models certainly did not help the stigma in the minds of many that African Americans and crime were inextricably linked.

Much of the remarks made about blaxploitation movies put the blame on the actors themselves for perpetuating stereotypes of African American men as hustlers and drug dealers and African American women as prostitutes, but the biggest culprits were movie studios that saw the success of Van Peebles' film and decided to target a new market: African Americans. Despite highly weak storylines, one-dimensional characters, and budget constraints, movie studios, particularly American International Pictures, produced many blaxploitation movies with little regard to the stereotypical representations they reinforced. Prior to blaxploitation movies, actors such as Williamson, Brown (who was the only one of the three consistently acting in major studio roles), and O'Neal had difficulty making inroads into the Hollywood system. With the arrival of the genre, they could pick and choose their roles, and often the storylines were built around their respective characters.

The genre remains a heavily contested point of debate even some 38 years after the initial run of Van Peebles' *Sweet Sweetback's Baadasssss Song*. Unfortunately, the movies created stereotypical crime-involved characters that many impressionable young African American youths found appealing. But they also sparked healthy dialogue in not simply addressing depictions of African Americans in film, but underscoring the need for civil rights organizations to address *why* youths found these particular characters appealing and the need to address the hopelessness, despair, and sense of no-way-out many in the inner city felt then and now.

Yvonne Sims

See also Media Portrayals of African Americans; Social Construction of Reality

Further Readings

Beaver, F. (1983). *Dictionary of film terms*. New York: McGraw-Hill.

Leab, D. J. (1975). *From Sambo to Superspade: The Black experience in motion pictures*. Boston: Houghton Mifflin.

Mason, B. J. (1972, December). The new films: Culture or con game? Rash of "Black" movies draws both condemnation and praise. *Ebony,* pp. 61–70.

Sims, Y. D. (2006). *Women of blaxploitation: How the action heroine changed American popular culture*. Jefferson, NC: McFarland.

Bonger, Willem Adriaan (1876–1940)

Willem Adriaan Bonger was a preeminent Dutch criminologist and scholar whose pioneering research transcended the landscape of criminological thought at a historical juncture when biologically based explanations of crime predominated. His work was rooted in economic determinism, as a lens through which he believed that examinations of the etiology of crime were best explored.

The Marxist Influence

Bonger was characterized as a staunch anti-Lombrosian or someone who was adamantly

against biological positivism and an advocate of Marxist historical materialism. His research emerged as a critique of extant criminological theory in general and of the capitalistic economic structure that was a dominant feature in Europe in the late 19th and early 20th centuries. A revival of Marxist thought, Bonger's work provides the earliest systematic application of Marxian concepts to explore the etiology of crime as a manifestation of capitalism.

Advancing the work of Karl Marx, Bonger viewed capitalism as a vehicle whereby economic and social conditions induced criminality. Bonger's critique of biological determinism and capitalistic ideology distinguished him from other scholars of his era. A strong proponent of theoretically and empirically sound methods, he challenged American and British scholars to defy conventional wisdom by investigating crime as a by-product of the complexity of capitalistic ideology rather than relying on what he considered to be simplistic, disingenuous assertions rooted in deficiency and pathology. It is with Bonger's utility of economic determinism to explore the etiology of crime that a more sociological criminology emerged, illustrating his most significant contribution to the criminological body of knowledge.

Crime and Economic Conditions

Prior to the early 20th century, the criminological landscape had been dominated by scholars who were committed to exploring crime through a singular lens of biological deficiency. Critical of the theoretical and empirical soundness of such assertions, Bonger's research emerged as a critique of biologically based explanations of crime and its prevailing dominance. His doctoral dissertation—*Criminalité et Conditions Économique*—was published in 1905. It was translated into English in 1916 (*Criminality and Economic Conditions*) as a volume in the Modern Criminal Sciences Series of the Association of American Law Schools.

In this work, a critique of Lombrosian thought in general and capitalism in particular, Bonger opined that it was neither biological nor racial traits that led to a greater proclivity toward criminality and immorality, but rather economic and social conditions as manifestations of a dominant capitalistic economic structure. Existing criminological thought, according to Bonger, was flawed in its assumption that crime was a consequence of biological and/or racial defects. He argued that these claims lacked empirical support and failed to acknowledge the influence of the social environment. Bonger held that the capitalist mode of production was the fundamental mechanism whereby unlimited egoism emerged and led to immorality and criminal behavior.

Race and Crime

In 1943, Bonger published *Race and Crime,* his final and most contentious book. Advancing his earlier premise that crime was a manifestation of socioeconomic conditions in a capitalistic society, Bonger is credited with being the first criminologist to explore how capitalism adversely affects racial/ethnic groups. More specifically, the text serves as a critique of race relations in the United States, employing a historical analysis and official statistics.

Seeking to dispel criminological explanations based on race as a cause of criminal behavior, Bonger argued that claims asserting a causal relationship between race and crime were devoid of theoretical and empirical support and instead were evidence of prejudice and pettiness. Influenced by Marx, Bonger held that crime, a manifestation of capitalism, would be best remedied by improving the economic and social conditions of the poor. Attracted to both the ideology and promise of Marxism in addressing all social ills plaguing the poor by improving their economic and social realities, Bonger believed that consequences of these realities were best addressed through the employment of socialist-based theory.

Negro Criminality

Intrigued by the complexity of race relations in the United States and its influence on criminological thought, Bonger dedicated a chapter examining criminality among "Negroes," among other racial/ethnic groups. Bonger argued that during slavery and the post–Civil War era, Blacks in the United States were subjected to a social caste system that adversely affected their social situation relative to Whites. While acknowledging some

progress among Blacks, Bonger argued that they had been subjected to deplorable economic and social conditions that inevitably diminished their quality of life. The higher rates of crime among Blacks compared to Whites could be explained, Bonger held, by their continued inferior and oppressed status rather than by racial or cultural predisposition. Bonger's examination of race and crime was, in part, a critique of race relations in the United States and the accepted prejudice among criminologists.

Academic Scholarship

Bonger's work exemplifies a transformative force that significantly shifted the trajectory of American criminological thought, and he was one of the few Dutch criminologists to be recognized among American scholars. His scholarship represents his commitment to combating dilettantism, hypocrisy, and untruths and to employing theoretically and empirically sound methods. Amid his research, books, and numerous articles, Bonger's most significant contribution is the usefulness of economic determinism in exploring the etiology of crime.

Misha S. Lars

See also African Americans; Biological Theories; Ethnicity; Racism; Slavery and Violence

Further Readings

Bonger, W. A. (1916). *Criminality and economic conditions*. Boston: Little, Brown.

Bonger, W. A. (1943). *Race and crime* (M. M. Hordyk, Trans.). New York: Columbia University Press.

Bonger, W. A. (1972). Criminality and economic conditions. In S. F. Sylvester (Ed.), *The heritage of modern criminology*. Cambridge, MA: Schenkman.

Gabbidon, S. L. (2007). *Criminological perspectives on race and crime*. New York: Routledge.

Sylvester, S. F. (Ed.). (1972). *The heritage of modern criminology*. Cambridge, MA: Schenkman.

Taylor, I., Walton, P., & Young, J. (2008). Marx, Engels, and Bonger on crime and social control. In A. Walsh & C. Hemmens (Eds.), *Introduction to criminology: A text/reader*. Thousand Oaks, CA: Sage.

van Bemmelen, J. M. (1960). Willem Adriaan Bonger. In H. Mannheim (Ed.), *Pioneers in criminology* (pp. 349–363). Chicago: Quadrangle.

van Swaaningen, R. (2006). Criminology in the Netherlands. *European Journal of Criminology, 3*(4), 463–501.

Wigmore, J. H. (1941). Willem Adriaan Bonger. *Journal of Criminal Law and Criminology, 31*(5), 657.

Boot Camps, Adult

Adult boot camps, also known as "shock incarceration" programs, were first implemented in Georgia and in Oklahoma in late 1983. Boot camps are a form of intermediate sanction that emphasize a military-style atmosphere with hard physical labor, strict physical training, exercise, and an intensive focus on self-discipline. Boot camps have traditionally targeted young, first-time offenders convicted of nonviolent and less serious crimes. Boot camps are aimed at scaring or shocking an individual away from criminal behavior by providing a tough physical atmosphere.

Program goals and objectives vary from one facility to another. Most target goals such as diverting offenders from incarceration, instilling confidence and self-respect, and promoting self-discipline through military-style treatment.

The length of stay in each boot camp varies, with an average length of stay of approximately 3 to 6 months. During this time frame, boot camp cadets are under the guidance and supervision of a military-style drill instructor and are expected to adhere to all commands given by the instructor and to all program rules and expectations. Upon completion of the boot camp program, the cadets participate in a formal graduation ceremony to acknowledge their accomplishments.

All boot camps incorporate various activities in their programs, such as physical exercise, a structured daily schedule, physical work, community service, academic and vocational education, and various forms of treatment such as drugs and alcohol treatment. The programs vary in accordance to the style of boot camp. First-generation boot camps, which came into existence in 1983, encompassed rigorous physical training, which included extensive jogging, push-ups, and sit-ups. First-generation boot camps are generally what individuals think of when they think of boot camps. Very few facilities still operate under this style or approach.

In the late 1980s and early 1990s, second-generation boot camps emerged. Like their predecessors, these camps followed a strict military regimen, but they also required their participants to complete a drug or alcohol treatment program while at the boot camp. In addition, second-generation boot camps also include an educational component through which participants attend either academic or vocational courses.

In the late 1990s, third-generation boot camps began to flourish and continue today. These camps incorporate the same drug and alcohol treatment programs as the second-generation boot camps. However, third-generation boot camps emphasize an aftercare component when individuals are released back into society. Individuals are required to attend various drug and alcohol treatment programs once they are released from the boot camp.

Shortly after the emergence of the third-generation boot camp, the fourth-generation boot camp came into existence. The fourth-generation boot camp focuses on housing and employment issues for its participants upon their release from the boot camp, in the same manner as parole boards address the issue once an inmate is released from prison.

Correctional boot camps have enjoyed a great deal of support from both conservatives and liberals as an alternative to traditional incarceration. Among the reasons for such broad support is the ability of the boot camp to save taxpayers thousands of dollars in incarceration costs while at the same time ensuring that offenders are held accountable for their criminal behavior. Additionally, boot camps allow politicians to address the issue of prison overcrowding and skyrocketing incarceration rates without appearing soft on crime.

Boot camps have also received a great deal of support from the American public. The media's portrayal of drill instructors shouting in an offender's face and commanding the offender to complete numerous sets of rigorous exercises or engage in physical labor has resulted in the general public favoring the use of boot camps in lieu of correctional treatment. In general, the public has been very supportive of having offenders work and sweat for their offenses as opposed to sitting in a jail cell waiting for their time to expire.

The impact boot camps have had has been the subject of a great deal of controversy. Generally, boot camps are credited with providing an alternative to incarceration and thus reducing incarceration cost and overcrowding. They have also been credited for having short-term effects on the participants' prosocial attitudes; however, since most participants volunteer, research warns that changes in participants' attitudes need to be evaluated with caution. Proponents have argued that individuals who complete boot camp programs have lower rates of recidivism than nonparticipants. However, research has found that recidivism rates are reduced only for short periods after release, generally for less than 6 months. Recidivism rates in some cases have risen and have matched the rates of nonparticipants in evaluation periods from 6 to 12 months after release.

Finally, after 20 years the popularity of boot camps has continued to grow. Since their inception in 1983, boot camps that initially targeted only adults now target juveniles in the public and private sectors. Many inner-city minorities have been able to benefit from the strict discipline and rehabilitative programs that boot camps have to offer. Boot camps have been credited with building self-esteem, self-discipline, and physical fitness levels and helping address family problems, drug and alcohol abuse, and even anger management issues for many inner-city minorities who are often the most targeted in the criminal and juvenile justice systems.

Georgen Guerrero

See also Boot Camps, Juvenile

Further Readings

MacKenzie, D. L. (2004). *Correctional boot camps: Military basic training or a model for corrections?* Thousand Oaks, CA: Sage.

MacKenzie, D. L., Brame, R., McDowall, D., & Souryal, C. (1995). Boot camp prisons and recidivism in eight states. *Criminology, 33*(3), 327–357.

MacKenzie, D. L., & Souryal, C. (1994). *Multisite evaluation of shock incarceration*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, National Institute of Justice.

Boot Camps, Juvenile

Juvenile boot camps are residential facilities for adolescents who have broken the law or who have been labeled delinquent. The model for juvenile boot camps is taken from military training camps where the emphasis is on socialization for military life. The first juvenile boot camp was established in Orleans Parish, Louisiana, in 1985 following the establishment of the first adult boot camp in the state of Georgia in 1983. The goals of adult and juvenile boot camps are similar in that both are structured as a residential intermediate sanction employing the strategies of shock incarceration. Residency within most boot camps is intended for a brief period of time followed by a period of supervised probation. Although this may vary from program to program, some boot camps include a therapeutic component that may encompass counseling in the areas of anger management and drug and alcohol abuse as well as opportunities for academic and vocational training. The underlying philosophy of the boot camp is that the military style of strong discipline, rigorous exercise, and rigid program structure will serve to rehabilitate young nonviolent offenders. Boot camps are designed to be a deterrent to further participation in criminal activity.

Data on race and ethnicity extracted from the *Census of Juveniles in Residential Placement* reveal that during the period from 1997 to 2003 the racial makeup of all juveniles in residential placement in the United States, including but not limited to boot camps, was between 38% and 40% White; between 38% and 40% Black; between 17% and 19% Hispanic; 2% Asian; and 1% Other. Based on these statistics, it appears that the racial makeup of juveniles in residential placement mirrors that of juveniles under other forms of supervision within the juvenile justice system.

The term *juvenile boot camp* has been used interchangeably with reference to two different types of facilities: those that are under the supervision of the formal criminal justice system and those that are privately run by organizations such as nonprofits or religious groups. The common thread in both types of boot camps is that the offenders have been involved in some form of antisocial, nonviolent behavior. Usually, they are not repeat offenders at the time of sentencing.

The administrative personnel and the organizational structure of privately run juvenile boot camps determine what the exact structure of those facilities will be, but they are generally fashioned with a military structure focusing on discipline, behavior modification, and some therapeutic format. Private boot camps vary greatly from camp to camp depending on the philosophy of the organization. The juvenile's participation and or involvement in privately run camps is usually at the discretion of the parent or guardian, and in most cases there is a cost associated with participation. Parents and guardians have often chosen private boot camps as a preventative measure to amend behavior that they believe will be problematic if continued. Both the parent and the camp administration see participation as preventive. The major criticism of private boot camps is the issue of oversight. These camps are separate and apart from those that are administered by the criminal justice system.

The term *juvenile boot camp* most frequently refers to a residential facility run by the criminal justice system in which inhabitants have been adjudicated and sentenced through the court system. Structure of juvenile boot camps and the sentencing structure can vary from state to state, depending on the laws that govern that state.

Boot camp sentences usually range from 3 to 6 months, and juvenile boot camps represent an alternative to long-term incarceration, thus decreasing costs to the juvenile justice system.

Although juvenile boot camps have served as a method of juvenile correction for nearly 25 years, the effectiveness of this method of punishment is still under question. Research has focused on comparing recidivism rates of those who have been exposed to a boot camp program and those who have not. Generally, the research has concluded that juvenile boot camps are no more effective than other methods of punishment in terms of recidivism rates.

In a study published by the National Institute of Justice in 2001, researchers Doris Layton MacKenzie, Angela R. Gover, Gaylene Styve Armstrong, and Ojmarrh Mitchell attribute the finding that boot camps have not been effective in reducing recidivism to the fact that few of the boot camps or traditional facilities examined in their

study had information about what happens to these juveniles after they are released. The implication here is that in order to determine the effectiveness of juvenile boot camps, programs should include a component of close follow-up after release to determine whether there has actually been a positive change in behavior. Comparing recidivism rates discloses which juveniles are rearrested but does not give an indication whether or not there has been a significant change in the initial offending behavior.

Similarly, in a study that compared long-term arrest data for young offenders who had served time in boot camps along with a follow-up intensive parole program to data on juveniles who had been in standard custody and parole, Jean Bottcher and Michael Ezell (2005) found that there were no significant differences between individuals who had served time in boot camps and those who had not in terms of rearrest records. Thus over time, empirical research has shown that juvenile boot camps are about as effective in reducing recidivism as other traditional forms of juvenile punishment.

Conclusion

A review of the empirical research on juvenile boot camps does not lead to a clear indication that juvenile boot camps are totally effective or ineffective. The major criticism of opponents of juvenile boot camps surrounds the appropriateness of the military style of discipline for adolescents, while the major proponents of juvenile boot camps focus on the financial aspects and argue that juvenile boot camps lessen the financial strain on the juvenile justice system.

Although there has been no determination that juvenile boot camps are any more effective than other forms of traditional punishment, they are still operational under the juvenile justice system in many states. It is also important to note that even though there has been some debate surrounding their effectiveness, private boot camps are still operational and thriving.

Peggy A. Engram

See also Boot Camps, Adult; Delinquency Prevention; Juvenile Crime

Further Readings

Bottcher, J., & Ezell, M. (2005). Examining the effectiveness of boot camps: A randomized experiment with a long-term follow-up. *Journal of Research in Crime and Delinquency, 42*(3), 309–332.

MacKenzie, D. L., Gover, A. R., Styve Armstrong, G., & Mitchell, O. (2001). A national study comparing the environments of boot camps with traditional facilities for juvenile offenders. *National Institute of Justice Research in Brief*. Retrieved from http://www.ncjrs.gov/pdffiles1/nij/187680.pdf

Boston Gun Project

The Boston Gun Project, also known as "Operation Ceasefire," is a deterrence-based, problem-oriented criminal justice intervention that occurred in 1996 and 1997. The project was intended to reduce youth homicide and youth firearms violence in Boston, Massachusetts. The Boston Gun Project was characterized by an innovative partnership among researchers, practitioners, community leaders, and clergy to assess Boston's youth homicide problem and implement an intervention designed to have a substantial near-term impact on the problem. The Boston Gun Project was based on the "pulling levers" deterrence strategy that focused criminal justice attention on a small number of Boston's youth who were chronic offenders, involved in gang-related activities, and responsible for much of the city's youth homicide problem. Many of these youths were minorities. The Boston Gun Project working group held communications meetings with at-risk members of the community, warning them that further violence and criminality would not be tolerated and would be met with the full complement of the law.

Research suggested that the Boston Gun Project/Ceasefire intervention was associated with significant reductions in youth homicide victimization, shots-fired calls for service, and gun assault incidents in Boston. A comparative analysis of youth homicide trends in Boston relative to youth homicide trends in other major U.S. cities also supports a unique program effect associated with the Ceasefire intervention. This communications-based intervention was coupled with a police crackdown on violent crimes. Homicide rates in Boston fell by two thirds after the strategy was implemented.

The Boston Gun Project is a type of problem-oriented intervention strategy. Problem-oriented interventions work to identify specific problems and to frame responses using a wide variety of often-untraditional approaches. Using a basic repetitive approach of problem identification, analysis, response, evaluation, and adjustment of the response, this strategy has been effective against a wide variety of crime.

The Boston Gun Project was designed to proceed by

1. assembling an interagency working group of largely line-level criminal justice and other practitioners;
2. applying quantitative and qualitative research techniques to create an assessment of the nature of, and dynamics driving, youth violence in Boston;
3. developing an intervention designed to have a substantial, near-term impact on youth homicide;
4. implementing and adapting the intervention; and
5. evaluating the intervention's impact.

The driving force behind the success of the Boston Gun Project was the corporation of an interagency working group consisting primarily of front-line criminal justice practitioners and community leaders. The agencies that were involved included the Boston Police Department; the Massachusetts departments of probation and parole; the office of the Suffolk County district attorney; the office of the U.S. attorney; the Boston Field Office of the Federal Bureau of Alcohol, Tobacco, and Firearms (ATF); the Massachusetts Department of Youth Services (juvenile corrections); Boston School Police; gang outreach and prevention "street-workers"; the TenPoint Coalition of activist Black clergy; the Drug Enforcement Administration; the Massachusetts State Police; and the office of the Massachusetts attorney general.

The basic premise underlying the Boston Gun Project included two strategic elements. The first element was a direct law enforcement attack on illicit firearms traffickers supplying Boston's youth with guns. The second element was an attempt to generate a strong deterrent to gang violence. The systematic attack on illegal firearms traffickers included the expanded focus of local, state, and federal authorities to include firearms trafficking in Massachusetts in addition to interstate trafficking. ATF set up an in-house tracking system that flagged guns that had been confiscated by the police within 18 months of being sold. They also focused attention on the city's most violent gangs and their gun suppliers. ATF attempted to restore obliterated serial numbers of confiscated guns and investigated trafficking based on the restored serial numbers.

The second element came to be known as the "pulling levers" strategy by working-group members. The intent was to deter violent behavior (especially gun violence) by chronic gang offenders by reaching out directly to gangs, explicitly telling them that violence would no longer be tolerated, and backing that message by pulling every lever legally available when violence occurred. Pulling levers included applying appropriately severe sanctions from all possible criminal justice agencies.

Simultaneously, street workers, probation and parole officers, and later church leaders (Boston's TenPoint Coalition) as well as other community groups offered gang members services and other kinds of help. The working group delivered their message in formal meetings with gang members, through individual police and probation contacts with gang members, through meetings with inmates in secure juvenile facilities, and through gang outreach workers. The deterrence message was not a deal with gang members to stop violence. Instead, it was a promise to gang members that violent behavior would evoke an immediate and intense response from the criminal justice system. If gangs committed crimes but refrained from violence, the normal workings of the criminal justice system would deal with them. But if gang members committed violent crimes, the working group focused all of its enforcement actions on them.

Studies show that the Boston Gun Project was likely responsible for a substantial reduction in youth homicide and youth gun violence in the city of Boston. In a time series analysis (1991–1998), youth homicide rates were examined before and after the implementation of the Boston Gun Project and found that monthly homicide rates in Boston fell by 63%.

Research shows that actively engaging at-risk offenders is an important first step toward altering

their perception of sanctions and sanction risks. These sanctions were implemented and supported by a multiagency working group. The police were the cornerstone of this working group, but including many other front-line practitioners and agency workers was paramount in the successful implementation of the Boston Gun Project and the Operation Ceasefire intervention plan.

Lorenzo M. Boyd

See also At-Risk Youth; Youth Gangs

Further Readings

Braga, A., Kennedy, D. M., Waring, E. J., & Piehl, A. M. (2001). Problem-oriented policing, deterrence, and youth violence: An evaluation of Boston's Operation Ceasefire. *Journal of Research in Crime and Delinquency, 38,* 195–226.

Kennedy, D. (1998, July). Pulling levers: Getting deterrence right. *National Institute of Justice Journal*, pp. 2–8.

McDevitt, J., Braga, A. A., Nurse, D., & Buerger, M. (2003). Boston's youth violence prevention program: A comprehensive community wide approach. In S. Decker (Ed.), *Policing gangs and youth violence* (pp. 77–101). Belmont, CA: Wadsworth.

McGarrell, E. F., Chermak, S., Wilson, J. M., & Corsaro, N. (2006). Reducing homicide through a "lever-pulling" strategy. *Justice Quarterly, 23*, 214–231.

Brown, Lee P. (1937–)

From humble origins as the son of farmers, Lee Patrick Brown, whose birth certificate read "Baby Brown," rose to leadership positions in local, county, and federal law enforcement before becoming the first African American mayor of Houston, the fourth largest city in the United States, in 1998. Brown served three terms as mayor, until 2004, when term limits prohibited him from running a fourth time.

Born October 4, 1937, in Wewoka, Oklahoma, Brown was one of six sons and a daughter whose family moved to rural Fowler, California, when he was 5. He recalled living in a one-bedroom house and his family working the fields "like migrant workers," but his mother valued education and encouraged her children to do the same. Brown, more than 6 feet tall and solidly built, won a football scholarship to Fresno State University, earning a bachelor's degree in criminology in 1960. Among the first group of highly educated African American police leaders, Brown went on to obtain two master's degrees (1964 and 1968) and a doctorate in criminology in 1970 from the University of California, Berkeley.

Brown's career has been unusual due to his career mobility, the number of departments he has led, and also, as one of few police executives to have earned a doctorate, his ability to shift seamlessly between law enforcement and academe. He began work as a police officer in San Jose, California, in 1960, but in 1968 moved to Portland, Oregon, to establish Portland State University's administration of justice department. In 1972 he became a professor of public administration and the associate director of the Institute for Urban Affairs and Research at Howard University, a historically Black institution in Washington, D.C.

In January 1975, he returned to law enforcement in Portland when he was appointed sheriff of Multnomah County; unlike most sheriffs' offices, the Multnomah office had in 1964 been named Division of Public Safety (Sheriff's Office) and was an appointed rather than elected position. Here, Brown instituted team policing and developed and put into practice early elements of community policing with which he would be closely associated throughout his career. He also directed publication of *Neighborhood Team Policing: The Multnomah County Experience,* articles by him and others on the implementation of his ideas, another indication of his ability to combine practitioner and academic careers. Eighteen months later, in June 1976, he was named the county's director of justice services, making him coordinator of all county criminal justice agencies.

Brown was in 1978 selected by Atlanta, Georgia, Mayor Maynard Jackson as commissioner of public safety, in charge of the city's police, fire, corrections, and civil defense departments. He managed the police department's arrest of Wayne B. Williams for the Atlanta child murders, in which nearly 30 mostly African American teenage boys were killed

between 1979 and 1981. Williams was found guilty of two murders in February 1982, ending the investigation, but in 2006 the DeKalb County (in which Atlanta is located) Police Department reopened and then closed some of the cases; in 2007 Williams, maintaining his innocence, was still attempting to win a new trial. The case received worldwide attention for Brown and for the Atlanta Police Department's public information officer, Beverly Harvard, who would in 1994 be named chief, becoming the first African American woman to lead a major city police department and one of a number of law enforcement leaders—male and female, Black and White—whom Brown mentored.

In 1982, Mayor Kathy Whitmore selected Brown as Houston's first African American police chief. His departmentwide use of community policing strategies in Houston earned him the designation of "father of community policing" in recognition of his efforts to increase police involvement not only with citizens but with other government agencies to mount a concerted effort to fight crime.

Brown's 8 years in Houston was the longest chief's position he held; when he left, he was replaced by another female protégée, Elizabeth (Betsy) Watson, who became the first woman to lead a department in a city of more than 1 million people.

Brown departed from Houston in January 1990, after he was persuaded by New York City's first African American mayor, David Dinkins, to run the nation's largest police department, the New York City Police Department (NYCPD), then about 30,000 officers. In New York, Brown faced some of the same issues as in Houston and had a more difficult task reorienting the more bureaucratic and tradition-bound NYCPD. Rank and file officers disliked him because he was an outsider and because of his emphasis on community policing, which sought to involve all ranks of police officers more closely with the neighborhoods they patrolled through foot patrol and frequent community get-togethers. Although New York City's drop in crime accelerated during his tenure, he was criticized for an inadequate police response to the 1991 riots in Crown Heights, Brooklyn, involving Blacks and Hasidic Jews.

Brown left the NYCPD in September 1992 and briefly returned to Houston before President William J. Clinton named him director of the cabinet-level Office of National Drug Control Policy (ONDCP) that had been established by Congress in 1988 to coordinate the nation's drug control program. Confirmed by the Senate unanimously on June 21, 1993, Brown supported creation of High Intensity Drug Trafficking Area (HIDTA) teams and investigation of the Colombian Cali drug cartel, but budget and staff cuts and demands from Congress that the White House develop a stiffer anti-drug message led to his resignation on December 12, 1996, when he voiced frustration with the bureaucratic and political nature of Washington, D.C.

He returned to Houston to teach at Rice University and in 1997 was elected mayor. He served three two-year terms, during which downtown Houston was revitalized. Brown expanded his concept of community policing into a broader philosophy he called "neighborhood-oriented government." Since retiring, he has been a motivational speaker and a security consultant whose firm, the Brown Group International, among other assignments, worked with the New Orleans Police Department (NOPD) in the wake of Hurricane Katrina. His 188-page NOPD reform plan, released in July 2007, included more than 70 recommendations, most of which relied on his belief in community involvement rather than on reliance on crime and arrest statistics as productivity measurements. True to Brown's beliefs that patrol officers were the key to a department's success, the report was based on interviews with hundreds of New Orleans officers and numerous questionnaires completed by all ranks, not only senior-level administrators.

Throughout his career, Brown has been active in professional associations. In addition to being the first African American president of the 18,000-member International Association of Chiefs of Police (IACP) in 1990, he was a founding member in 1976 of the National Organization of Black Law Enforcement Executives (NOBLE), through which Black police executives have addressed police community relations and raised issues of fairness in the administration of justice, and he has served on the advisory board of the U.S. Conference of Mayors.

In addition to putting community policing into practice, Brown has edited or co-authored numerous works on it, including a textbook (with Thomas

Alfred Johnson and Gordon C. Misner), *The Police and Society: An Environment for Collaboration and Confrontation.* Others include *The Death of Police Community Relations* and *The Administration of Criminal Justice: A View from Black America* (1973 and 1974); *Community Policing: A Practical Guide for Police Officers* (1989); and *Problem-Solving Strategies for Community Policing: A Practical Guide* (1992). While he chaired the National Minority Advisory Council on Criminal Justice to LEAA (Law Enforcement Assistance Administration), the council published *The Inequality of Justice: A Report on Crime and the Administration of Justice in the Minority Community* (1982), which, based on four years of research, portrayed the adverse impact of the criminal justice system on minorities with chapters on Blacks, Hispanics, Native Americans, and Asians.

Brown has been awarded honorary degrees from six American universities, has taught at universities in China, has been honored by University of California, Berkeley, and has been inducted into both the Gallup and Black Public Administrators halls of fame. Brown, the father of four adult children, often mentions his selection as father of the year in 1991 from the National Father's Day Committee.

In addition to being the first African American to hold many of the positions he did, Brown was selected as police chief in three major American cities (Atlanta, Houston, and New York), through his mentoring efforts was able to expand the philosophy of community policing to departments throughout the United States, and as mayor of Houston was able to expand the tenets of community policing into an overall philosophy of urban government. His academic credentials have given him credibility outside policing that has rarely been achieved by any police administrator.

Dorothy Moses Schulz

See also Community Policing; Harvard, Beverly; National Organization of Black Law Enforcement Executives; War on Drugs

Further Readings

Brown, L. P. (Ed.). (1976). *Neighborhood team policing: The Multnomah County experience.* Portland, OR: Multnomah County Sheriff's Office.

Dulaney, W. M. (1996). *Black police in America.* Bloomington: Indiana University Press.

Harry Walker Agency. (2005). *Lee P. Brown.* Retrieved from http://www.harrywalker.com/speakers_template_printer.cfm?Spea_ID=704

Johnson, T. A., Misner, G. C., & Brown, L. P. (1981). *The police and society: An environment for collaboration and confrontation.* Englewood Cliffs, NJ: Prentice Hall.

McCarthy, B. (2007, July 18). N.O. chief welcomes plan for reform. *The Times-Picayune.* Retrieved from http://blog.nola.com/times-picayune/2007/07/no_chief_welcomes_plan_for_ref.html

Office of National Drug Control Policy. (n.d.). *Dr. Lee P. Brown.* Retrieved November 11, 2008, from http://clinton1.nara.gov/White_House/EOP/ondcp/html/Lee_Brown.html

Office of National Drug Control Policy. (1996). *Drug czar Lee Brown resigns.* Retrieved from http://www.ndsn.org/jan96/drugczar.html

Brown Berets

The Brown Berets were the most prominent youth organization addressing issues in Chicano communities during the late 1960s and early 1970s. During their brief existence (1967 to 1972), the Brown Berets were involved in numerous protests and organized around aspects of Chicano life that would positively impact the lives of Chicano people. This entry reviews the development of the organization, the assorted activities of the organization, and its eventual dissolution.

As the population of Mexicans increased in the 1960s, a sense of cultural identity and a need to address inequitable treatment of this group fostered the development of several organizations. The Brown Berets, formed by David Sanchez in Los Angeles, was one such group. Sanchez's initial involvement with the Young Citizens for Community Action spurred the development of the Brown Berets to serve as an alert patrol, with defending the Chicano neighborhoods as their primary objective. The membership of the Brown Berets reached 5,000, with 90 chapters throughout the United States; it included neighborhood youth who were mostly from lower socioeconomic backgrounds. Many members were formerly involved in gangs but came together to protect their *barrios*

(neighborhoods). The creation of this organization was part of the Chicano Youth Movement (CYM), which included students and neighborhood youth; however, the Brown Berets differed from other organizations being created during the Chicano movement because they were a paramilitary group composed primarily of neighborhood youth. While there were female members of the organization, all leadership positions were held by men.

The members of the organization were advocates of Chicanismo, the vehicle to express Chicano nationalism. Chicano nationalism encompassed the new realities, values, and meanings that come out of being Mexican in America and confronting the inequalities that resulted from this. The organization grew in popularity by challenging an inequitable situation in the public school system. Protesting the treatment of students in the public school system in east Los Angeles (L.A.), students, parents, and members of various organizations gathered to express their discontent. The east L.A. sheriffs chose to use force to end the boycotts and walkouts, but the Brown Berets intervened. They defended and protected the students by placing themselves between the students and officers, which often resulted in their arrests. As a result of these actions, the group gained favor within the Chicano communities, especially when several Brown Berets faced a possible 45 years in prison on charges of engaging in conspiracies to disrupt the public schools. After 2 years of litigation, the charges were dropped.

In addition to the east L.A. school walkouts, the Brown Berets protested and organized against involvement in the Vietnam War and were involved with some of the work in conjunction with the Southern Christian Leadership Conference. They developed a free medical clinic in 1969, offering social, psychological, and medical services. Sustaining itself through donations, the clinic was open from 10 a.m. to 10 p.m. and the only requirement for an entrance was a need to see a doctor. The organization also published their own newspaper, *La Causa,* and some members were instrumental in forging bonds among the Chicano, the Black Power, and American Indian movements.

The members of the organization united around a self-defense platform and a nationalistic 10-point program that drew attention from law enforcement agencies. These agencies committed themselves to discrediting the Brown Berets in the eyes of both White and Chicano communities. The Los Angeles Police Department infiltrated the organization, resulting in arrests of members but not the destruction of the group or its work.

The "Ten Point Program" the organization put forth demanded changes such as an $8,000 minimum annual salary, the right to bilingual education, and to be tried by juries of only Mexican Americans, among other things. The program was meant to hold the United States accountable for providing an equitable life for Mexican Americans, so the organization based its demands on the U.S. Constitution, the Bill of Rights, and the Treaty of Guadalupe Hidalgo. In line with their desire for self-determination, the Brown Berets were advocates of Aztlan, the recognition of a separate Chicano nation.

They wore militaristic uniforms consisting of khaki clothing and brown berets with an emblem of a yellow pentagon and two bayoneted rifles behind a cross. The words *La Causa* ("The Cause") appeared above the emblem. Presenting themselves in this kind of clothing projected an image of discipline, readiness, and willingness to engage on behalf of the people if necessary. According to the creator of the emblem, Johnny Parsons, the name of the organization was adopted because east L.A. sheriffs often referred to members as the "Brown Berets."

The Chicano movement began its decline around 1971, and the Brown Berets attempted to reinvigorate the movement by organizing *La Marcha de la Reconquista* ("The March of the Reconquest"). This march was designed to tour Chicano neighborhoods, hold rallies, and talk to people in an attempt to give them a voice and address key issues like farm workers' rights, education, welfare rights, prison reform, and police interaction.

The year 1972 proved to be the last for the organization. Despite their attempts at renewing the energy of the Chicano movement, their final endeavor was invading Catalina Island (an island they believed still belonged to Mexico). The action ended peacefully. Shortly thereafter, Sanchez held a press conference announcing the disbanding of the organization.

Efua Akoma

See also Gringo Justice; Latina/o/s; League of United Latin American Citizens

Further Readings

Chavez, E. (2002). *"¡Mi Raza Primero!" Nationalism, identity, and insurgency in the Chicano movement in Los Angeles, 1966–1978*. Berkeley: University of California Press.

Navarro, A. (1995). *Mexican American Youth Organization: Avant-Garde of the Chicano movement in Texas*. Austin: University of Texas Press.

Rodriguez, R. (2000). The origins and history of the Chicano movement. In R. I. Rochin & D. N. Valdes, *Voices of a New Chicana/o history* (pp. 295–307). East Lansing: Michigan State University Press.

Brown v. City of Oneonta

Brown v. City of Oneonta was a federal civil rights lawsuit filed after nearly all the African American men in Oneonta, New York, were questioned by local law enforcement officials. Some of the notoriety of the case is due to opinions issued by the U.S. Court of Appeals for the Second Circuit, which decides federal appellate cases from New York, Connecticut, and Vermont. Those opinions reveal different sensitivities about the use of race as part of a description of suspects wanted by law enforcement officials.

Early on September 4, 1992, an elderly woman was raped and robbed in Oneonta, New York. The victim informed the police that during the attack she stabbed the assailant with the assailant's knife. She also told police that she believed the assailant was an African American man and that she believed he was young based on how quickly she heard him move across the floor. The police used a canine to track the assailant's scent, but lost it near the State University of New York College at Oneonta (SUCO).

A state police officer informed an SUCO officer that the perpetrator's trail led to a wooded area on the edge of the campus. At the state police's request, campus safety officials produced a list of Black male students with their addresses. This list was distributed to law enforcement officers, who used the information to locate and question the listed students. Some officers, when conducting a general sweep of the Oneonta campus during the next several days, stopped and questioned several non-White persons. No suspect was arrested.

In 1993, SUCO students whose names were on the list and non-White students who had been stopped and questioned by the police filed a class action lawsuit in the U.S. District Court for the Northern District of New York. The suit named as defendants the officers who had participated in the investigation or conducted the sweeps, supervisory officials and the City of Oneonta, its police department, and the local sheriffs' department.

The defendants eventually filed pretrial motions to dismiss the suit. The trial judge granted the motions and dismissed claims that were based on an alleged violation of the educational privacy laws. The Second Circuit upheld that ruling on appeal. After additional pretrial proceedings, the trial court dismissed the remainder of the suit. It rejected claims based on the Fourth Amendment, ruling that the encounters were not seizures within the meaning of that provision, and rejected claims based on the Fourteenth Amendment because there was no allegation that nonminority individuals were treated differently than the plaintiffs.

On appeal, a panel of three Second Circuit judges noted the implications of the issues before it, as it stated, "This case bears on the question of the extent to which law enforcement officials may utilize race in their investigation of a crime." The court affirmed the Fourteenth Amendment ruling. According to the court, those claims failed because the plaintiffs did not identify any law or policy used by the state officials to conduct the investigation. The plaintiffs "were questioned on the altogether legitimate basis of a physical description given by the victim of a crime. . . . This description contained not only race, but also gender and age, as well as the possibility of a cut on the hand." The court panel did reverse the trial court on some of the Fourth Amendment claims.

In response to a motion for a rehearing, the panel of judges amended portions of its opinion. Language added expressed sympathy for the plaintiffs' experience, and the court changed its disposition of most of the Fourth Amendment claims, allowing those plaintiffs to continue to litigate them in the trial court. The plaintiffs then moved for reconsideration and a suggestion for a

rehearing en banc, that is, before all of the judges of the Second Circuit. The entire Second Circuit ultimately denied the request. Such motions are usually denied without comment. However, in this case there were opinions issued both for and against en banc consideration. The two most pertinent opinions are described as follows.

In support of the denial, Chief Judge John M. Walker, Jr., the author of the panel and the amended opinions, wrote that the proposals in the dissenting opinions would hamper law enforcement efforts when a suspect's race was part of the description used in the search. He stated that the restrictions provided by the Fourth Amendment's prohibition on unreasonable searches and seizures were sufficient to limit law enforcement officials from stopping persons based only on their race.

Judge Guido Calabresi, who dissented from the denial of rehearing en banc, saw the case as involving what liability, if any, attached when state officials ignored every part of a suspect's description except the racial element and stopped and questioned every member of that race, even if those persons otherwise failed to fit the physical features of the suspect's description. According to him, the equal protection clause of the Fourteenth Amendment applied instead of the Fourth Amendment. He cautioned that since courts were largely incompetent to fashion more than general rules in the area, legislatures, executive branch officials, and those patrolled by the law enforcement agencies should establish guidelines on the permissible conduct of law enforcement officials.

Brown v. Oneonta is a modern version of an old practice—the rounding up of African American men in the locale—when a victim or witness to a crime provides a general but race-based description of the suspect. The roundup practice perpetuates stereotypes and fears about African American men and criminal activity. The ruling in *Brown v. Oneonta* joins a growing list of federal court decisions that apply the Fourth Amendment instead of the Fourteenth Amendment when reviewing law enforcement officials' conduct. In doing so, the courts typically either declare that a search or seizure has not occurred or focus on the propriety of the search or seizure; in most instances, the conclusion is the same—the Fourth Amendment has not been violated. These decisions have the impact of essentially insulating the investigatory practices of law enforcement officials. Assessing the practices under the Fourteenth Amendment—and asking whether the law enforcement official's actions were motivated by race—might occasionally result in legal disapproval of the activities.

Dwight Aarons

See also Criminalblackman; Profiling, Ethnic: Use by Police and Homeland Security; Profiling, Racial: Historical and Contemporary Perspectives; Racialization of Crime

Further Readings

Brown v. City of Oneonta, N.Y., Police Dep't, 106 F.3d 1125 (2nd Cir. 1997).

Brown v. City of Oneonta, N.Y., Police Dep't, 221 F.3d 329 (2nd Cir. 2000), vacating 195 F.3d 111 (2nd Cir. 1999).

Brown v. City of Oneonta, N.Y., Police Dep't, 235 F.3d 769 (2nd Cir. 2000) (denial of en banc petition).

Carter, W. M., Jr. (2004). A Thirteenth Amendment framework for combating racial profiling. *Harvard Civil Rights and Civil Liberties Law Review, 39*, 17.

Johnson, E. L. (1995). "A menace to society": The use of criminal profiles and its effects on Black males. *Howard Law Journal, 38,* 629.

Thompson, A. C. (1999). Stopping the usual suspects: Race and the Fourth Amendment. *New York University Law Review, 74,* 956.

Brown v. Mississippi

The United States has long been a proponent of fair and equitable justice for all citizens. The Constitution of the United States declares that "all citizens are created equal" and shall be given equal protection under the law. *Brown v. Mississippi* (1936) is a pivotal case in U.S. history that demonstrates various procedural faults and erroneous judgments of the criminal justice system. Additionally, it speaks about the racial overtones of that era and what that meant for African Americans facing the criminal justice system.

Following a murder but prior to a court hearing, residents of Giles, Mississippi, prompted by law enforcement officers, including the sheriff, determined the guilt of the accused. The defendants,

also known as the "Kemper County Trio," were subjected to a trial, conviction, and attempted execution before they were arrested or indicted for the alleged crime of murder. The question that is central in this case is whether the convictions, which were based solely on coerced confessions—the only evidence of guilt—were obtained in a manner that was consistent with the due process clause of the Fourteenth Amendment of the U.S. Constitution.

Facts of the Case

Raymond Stuart of Giles, Mississippi, was murdered on March 30, 1934. His body was discovered at his home at 1:00 p.m. Stuart, a White farmer, had been brutally butchered with an axe. The then-deputy sheriff, Dial, was determined that he would find the killer(s). Eventually the investigation centered on Ed Brown, Henry Shields, and Arthur Ellington. Deputy Sheriff Dial went to the home of Arthur Ellington and then took the suspect to the scene of the crime. Upon their arrival, a mob of angry White men congregated and began to accuse Ellington. These individuals initiated the torment and torture of Ellington and insisted that Deputy Dial make Ellington confess. The mob, along with the law enforcement officers, tied a noose around Ellington's neck and hung him to get a confession. After releasing the suspect from the tree and hearing Ellington's protests of innocence, they hung him again. Ellington kept professing his innocence. This angered the mob, and they tied him to a tree and severely beat him. Despite his obvious pain, Ellington did not confess, and he was allowed to return home. However, on March 31, Deputy Dial and the mob returned, and Dial arrested Ellington, who still bore the strangulation marks of the execution attempted on the previous day. In returning to the county jail, Dial took Ellington through Alabama, where Dial whipped and tortured Ellington until he confessed to the murder of Stuart.

On April 1, 1934, Deputy Dial returned to the county jail where Ellington, Ed Brown, and Henry Shields were being held. Dial, along with a number of White men, made Brown and Shields remove their clothing and bend over a chair, where they were brutally beaten with metal buckles of leather straps until they confessed to the murder of Stuart, including exact details. During this beating, both Brown and Shields were told that the whippings would continue if they did not confess. Shortly afterward, Dial convened with another officer of the law and several witnesses to hear the confessions of the trio, and Brown and Shields were indicted.

On April 4, the three defendants—Ed Brown, Henry Shields, and Arthur Ellington—were charged for the murder of Raymond Stuart. Since the defendants had not spoken with counsel, counsel were appointed and the trial was set to begin the next day, April 5, 1934. The trial ended on April 6, 1934, with a guilty verdict and a sentence of death. The trio appealed their case to the Supreme Court of the State of Mississippi, which upheld the convictions and sentences imposed by the local court despite the knowledge of the torture, coerced confessions, and the lack of evidence apart from the so-called confessions.

The defendants appealed their case to the U.S. Supreme Court, which heard the case on January 10, 1936. The Kemper County Trio was defended by Earl Brewer (former governor of Mississippi) and J. Morgan Stevens, with monetary support from the National Association for the Advancement of Colored People (NAACP) and other organizations. The Court unanimously reversed the lower courts' decisions on February 17, 1936.

Historical Context of *Brown*

The *Brown* case serves as a reminder of how the justice system has evolved and has come to acknowledge the importance of civil liberties for individuals either accused or convicted of a crime. Much of the literature on the *Brown* decision discusses the historical context of the case. The South has historically been a place of widespread racial discrimination. For many years, African Americans were subject to a very different type of jurisprudence than were their White counterparts. Often, accused African Americans never received a criminal trial but rather were tried by either the general public or the media, with their sentences being death by lynching. At the time of the *Brown* trial, Kemper County, Mississippi, was referred to as "Bloody Kemper" because its rate of lynching was nearly twice that of the rest of the state.

One of the most disturbing aspects of the *Brown* case is that the entire ordeal took place during only 6 days from the time Stuart's body was found. Modern criminal procedure would likely not consider a trial conducted in such haste to be consistent with the due process clause of the Fourteenth Amendment. The 1930s reflected a societal temperament that displayed a burgeoning intolerance for the brutal practice of lynching. The moral compass was moving in a direction that made such acts deplorable, so the solution was to ensure a "fair and speedy trial" in order to prevent the lynch mob from taking a state matter into the hands of private citizens. To avoid lynching, trials were conducted in haste and thus, in this case, resulted in wrongful convictions. After the original trial, in 1934 a Mississippi newspaper, *The Meridian Star,* reported that the defendants "enjoyed" a fair and impartial trial. The media's determination of fairness came from the community view that the trial was better than the lynching that would have normally occurred. Ironically, after the U.S. Supreme Court reversed and remanded the case, the local newspapers neglected to report on the monumental ruling.

The Birth of Modern Criminal Procedure

The *Brown* decision, along with *Powell v. Alabama,* represented a philosophical shift in the manner that the U.S. Supreme Court interpreted the protection of individual rights in criminal proceedings as dictated by the U.S. Constitution. Some scholars suggest that these cases mark the beginning of contemporary criminal procedure; as such they are often discussed in tandem since both have been attributed as the bases for the landmark *Miranda v. Arizona* decision (Cortner, 1986; Klarman, 2000). *Miranda* is commonly known as the source of the "bright line rule" invoking Fifth and Sixth Amendment protections in state criminal cases and mandating that police inform an individual of these rights prior to conducting a custodial interrogation. A violation of *Miranda* should lead to the suppression of the confession.

The relationship between *Brown* and *Miranda* lies in the fact that the *Brown* decision prohibited tortured confessions in a similar vein as the *Miranda* ruling finally extinguished all coerced confessions. The ruling in *Brown* was instrumental in establishing the "voluntariness test" used to determine whether or not an individual's confession was coerced. *Brown* has been viewed as one of the first cases in which the U.S. Supreme Court intervened in a state criminal case based on the method of obtaining a confession. As Swanson, Chamelin, and Territo (2003) note, prior to Brown, the determination of whether or not a confession was voluntary was based on a loosely defined concept of voluntariness. The elimination of the use of torture as a method for securing a confession was a drastic shift from the vagueness of the voluntariness test. Subsequent to *Brown,* the voluntariness test underwent further interpretation and eventually led to the application of the federal privilege against compulsory self-incrimination to the states.

As a proclaimed precursor for *Miranda,* one would assume that the constitutional basis for the *Brown* decision would lie in Fifth or Sixth Amendment jurisprudence. However, the rationale for the *Brown* decision was fair trial rule under the due process clause of the Fourteenth Amendment. Similar to the High Court's rationale in *Powell,* the *Brown* decision was based on the defendants' inability to receive a fair trial because of the nature of their confessions. More specifically, since the coerced confessions were the principal evidence in the case, the fact that they were obtained through torture made the trial unfair.

Though the *Brown* Court created a semblance of Fifth Amendment protection in state criminal proceedings, they were not yet committed to "nationalizing" the U.S. Constitution. The Court did not extend Fifth Amendment protection to the states in all respects, or as later extended. For example, the Court did not overturn the standing *Twining v. New Jersey* decision, where they had previously ruled that the Fifth Amendment privilege against self-incrimination did not apply to states. That would not come for another 30 years, in *Malloy v. Hogan.*

Brown v. Mississippi is significant for various reasons. First, it helped to set a precedent that the U.S. Supreme Court can regulate state courts when violations of constitutional amendments occurred, particularly in cases involving due process. Second, *Brown v. Mississippi* helped established rules for the "test of voluntariness," by which the court

determines whether confessions were truly given freely and not coerced. Last, the case helped lay the foundation for the landmark decision of *Miranda v. Arizona*, which resulted in the ruling that police must make detainees aware of the rights before police questioning begins.

Isis N. Walton and Cherie Dawson Edwards

See also *Miranda v. Arizona*; National Association for the Advancement of Colored People (NAACP); Police Use of Force; *Powell v. Alabama*

Further Readings

Brown v. Mississippi, 297 U.S. 278 (1936).
Cortner, R. C. (1986). *A "Scottsboro" case in Mississippi: The Supreme Court and* Brown v. Mississippi. Jackson: University Press of Mississippi.
Klarman, M. J. (2000). The racial origins of modern criminal procedure. *Michigan Law Review, 99*, 48–97.
Malloy v. Hogan, 378 U.S. 1 (1964).
Miranda v. Arizona, 384 U.S. 436 (1966).
Powell v. Alabama, 287 U.S. 45 (1932).
Swanson, C. R., Chamelin, N. C., & Territo, L. (2003). *Criminal investigation* (8th ed.). Boston: McGraw-Hill.
Twinning v. New Jersey, 211 U.S. 78 (1908).

Bully-Cummings, Ella (1958–)

Ella May Bully was working in the ticket booth of a Detroit theater in the mid-1970s when she saw an unusual sight: a woman police officer patrolling Detroit's streets. Three years later, the 19-year-old high school graduate decided to try walking the same beat; 23 years later she became only the second African American female named chief of one of the 10 largest police departments in the nation.

When Bully entered the Detroit Police Department (DPD) Academy in July 1977, she faced hostility from the mostly White male officers who resented the city's affirmative efforts to integrate the department. But she persevered, serving in every rank until, on November 3, 2003 (now Bully-Cummings), she was named interim chief of the 4,200-member DPD by Mayor Kwame Kilpatrick, who on December 4 of that year removed the interim from her title. Although Kilpatrick described Bully-Cummings's rise through the ranks as "meteoric," her career is typical of large-city police executives; she worked only in one police department, served in many ranks and assignments, and continued her education while working. This resulted in strong internal support for her, the opposite of what she faced as a rookie officer.

Bully-Cummings was born in Japan in 1958, the second daughter of an African American U.S. Army serviceman and a Japanese mother. Before she turned 2 years old, the family moved to Detroit, where her Mississippi-born father worked as a television repairman and struggled to support the family, which grew to six daughters and one son, all of whom at one time lived in a one-bedroom apartment. She graduated from Cass Technical, Detroit's top academic high school. As the second-oldest child, she worked to increase the family's income and to help pay for her siblings' education, but she did not continue her education until after joining the police department. She received a bachelor's degree with honors in public administration from Detroit's Madonna University in 1993 and a juris doctorate cum laude from the Detroit College of Law at Michigan State University in 1998, passing the state bar exam the same year.

Like most officers, Bully-Cummings was given a first assignment of walking a foot post. She recalled that few men wanted to work with women; some men would feign illness or give other reasons to avoid working with women, in part because they believed women would be unable to assist in dangerous situations on the high-crime Detroit streets. Even the few men who would work with her showed their distrust by using their portable radios to call for backup before they arrived at a scene. Her first arrest involved a drunk-driving stop during which her partner was kicked in the groin. Bully-Cummings, at 5 foot, 8 inches and only 110 pounds, jumped on the 6-foot, 5-inch suspect's back so she would not be hit and so that he would not flee; she knew that if he did, her reputation would be ruined. Just as she was establishing credibility, Detroit, like many cities, was faced with a

fiscal crisis, and Bully-Cummings was laid off in the mid-1980s, and began work for the *Detroit Free Press* in a clerical position.

Rehired, Bully-Cummings was promoted to sergeant in 1987 and to lieutenant in 1993, managing a precinct investigative unit. Within 2 years she was appointed an inspector in charge of the public information and crime prevention sections, where she created community outreach and awareness programs before being named administrative services bureau commander. In 1998, she was promoted to commander and placed in charge of a precinct, and later such high-profile units as the special response team, traffic, mounted, and aviation, as well as officers assigned to the city's housing developments. In 1999, she retired to become an associate at Miller, Canfield, Paddock & Stone, at Foley & Lardner, and again at Miller, Canfield, where she represented companies in labor and employment discrimination cases.

In May 2002, Bully-Cummings was urged to return to the DPD as its first female assistant chief by newly appointed chief Jerry Oliver and became the department's highest-ranking woman. In October 2003, Oliver, an unpopular outsider, was charged in Wayne County (in which Detroit is located) with possession of an unlicensed handgun at Detroit Metro Airport while traveling to a police conference. Although he had purchased it in 1973 while a police officer in Phoenix and said he was unaware he had to register it in Michigan, Oliver resigned and Bully-Cummings, 46, was named his successor.

Bully-Cummings is active in local and national police and legal organizations, including the International Association of Chiefs of Police (IACP), the National Organization of Black Law Enforcement Executives (NOBLE), and the state chiefs' association and is on the board of the Police Executive Research Forum (PERF) and the National and Wolverine bar associations. Bully-Cummings has been a role model and mentor to many. She leads a department that is nearly 25% female, one of the highest percentages of women—including minority women—in the nation. She is only the second woman to lead one of the country's 10 largest departments (the first was Houston's Elizabeth Watson from 1990 to 1992), and the second African American woman major city chief (the first was Atlanta's Beverly Harvard, from 1994 to 2002).

Bully-Cummings has said that women have to push harder than men to get ahead, and that men and women officers may have different styles that on the street may translate into a verbal rather than a physical response and in the executive suite may translate into a more collaborative style. Both her style and her legal training have assisted Detroit in addressing consent decrees signed with the U.S. Department of Justice in 2003 that required reforming lethal force policies and treatment of prisoners and that in late 2007 were extended to July 2011 in recognition of her successes in professionalizing the department and changing its institutional culture. She has also addressed the city's gun violence, including the deaths of two officers in February 2004 during a traffic stop, by creating a task force to reduce violence, while remaining a vocal and visible police leader independent of her race and sex.

Dorothy Moses Schulz

See also Harvard, Beverly; National Organization of Black Law Enforcement Executives

Further Readings

Ashenfelter, D. (2007, September 22). Cops get break on reform: More time given for changes in use of force, other issues. *Detroit Free Press*. Retrieved from http://www.accessmylibrary.com/coms2/summary_0286-32947075_ITM

Hackney, S., & Schmitt, B. (2003, November 8). New chief lays down the law: Preferring progress over praise, she has changes planned. *Detroit Free Press,* p. 1A.

Leinwand, D. (2004, April 26). Lawsuits of '70s shape police leadership now. *USA Today,* p. 13A.

Schulz, D. M. (2004). *Breaking the brass ceiling: Women police chiefs and their paths to the top*. Westport, CT: Praeger.

Bureau of Indian Affairs

The Bureau of Indian Affairs (BIA), also known as the Office of Indian Affairs, provides an array of services to the 561 Native American tribes that are federally recognized in the United

States. These services include developing forests, overseeing and directing agricultural programs, developing and maintaining the infrastructures of Indian reservations, and economic development. The agency also provides to Native Americans who live on or near reservations housing, health care, and educational services to nearly 48,000 students in 60 schools. It manages 55.7 million acres of land entrusted to Native American tribes, including Native Alaskans. This entry reviews the formation and the history of the BIA as well as the controversies that surround the agency.

History

Before the establishment of the BIA, the United States had made efforts to provide services to Native Americans. In 1775, the Continental Congress created three departments of Indian affairs—Northern, Central, and Southern—that were under the supervision of Benjamin Franklin and Patrick Henry. These departments were responsible for negotiating treaties between the Native Americans and U.S. colonists to ensure that the Native Americans remained neutral during the American Revolutionary War. In 1798, the three departments merged into the War Department, which continued to maintain Native American relations. Earlier, in 1790, the U.S. Congress passed the first of several Trade Acts and Intercourse Acts to deal with Native American relations. The Trade Act regulated commerce between the Native Americans and White settlers and prohibited the purchasing of Native American lands other than by federal treaties. It also set guidelines prescribing punishment for crimes against Native Americans. The Intercourse Acts restricted non–Native Americans from traveling onto Native American lands and established trading posts, which were referred to as "factories." These acts provided the basis for the War Department to protect Native Americans from exploitation.

In 1824, the secretary of war, John C. Calhoun, officially created the BIA, which was under the supervision of the War Department, to oversee relations between Native Americans and the U.S. government. The agency was to oversee existing treaties, negotiate new treaties, and appropriate funds to facilitate Native American assimilation into White culture. As more Native American tribes came under control of the U.S. government, the agency barred Native American languages and religious customs.

Because of Native American dissatisfaction with the War Department's handling of Native American affairs, the BIA was transferred to the Department of the Interior (DOI) in 1849, where it remains today. The agency assigned Native American agents to oversee operations on the reservations. Many of these agents were Christian missionaries who tried to impose Christianity on the Native Americans. However, several Indian agents were involved in illegal activities, such as selling supplies that were intended for Native Americans to the general population. The Indian agents also unlawfully allowed corporations to cut timber and mine for minerals on reservations for profit. Native Americans were unable to air grievances regarding Indian agent activities, enabling the exploitation of their culture to continue.

In order to address this mismanagement, Congress commissioned the Peace Commission in 1867. The agency soon appointed honest and effective Indian agents. The commission also recommended that the BIA be removed from the DOI, but this recommendation was never implemented. By the late 1800s, the agency's presence on the reservation increased heavily. Indian agents bore the responsibility of managing schools, supplies, and contracts and serving as law enforcement authority. In essence, the Indian agent became the tribal government. While these were noted successes of the BIA, the agency was ineffective in preventing the Indian wars of the late 1800s and in protecting the rights of Native Americans.

In 1928, the Meriam Report detailed the mismanagement of services on Indian reservations. The administration of President Theodore Roosevelt and Congress responded to this report by implementing the Indian Reorganization Act (IRA), also known as the Wheeler-Howard Act of 1934, to expand the agency's services to forestry and agricultural development. The act ended the sale of surplus Native American land to Whites, reestablished tribal autonomy, and promoted

cultural pluralism. This act caused the BIA to become a trustee of Native American lands and funds. The BIA was viewed as a figurehead and was making decisions on behalf of Native Americans. But the decisions that were being made were in the best interests of the U.S. government, and most of these decisions deprived the Native Americans of their freedoms. In fact, during the 1930s, only a few Native Americans were allowed to serve as reservation police officers. As of today, more than 95% of the agency's employees are Native American.

During the 1970s, the Bureau of Indian Affairs granted Native American tribes more control over their culture and tribal governments. Congress passed the Indian Self-Determination Act, Health Care Improvement Act, and the Indian Child Welfare Act to improve the quality of life on the reservations. Despite these acts, Native American groups such as the American Indian Movement (AIM) began to protest the dissatisfaction with the agency. In November 1972, more than 500 members of AIM took over the offices of the BIA in Washington, D.C., to force BIA to address social issues such as housing and health for Native Americans. The protests lasted a week and caused more than $700,000 in damages to the BIA building.

Controversy

The role of the BIA has been controversial. The agency has the ability to determine who is Native American by evaluating an individual's bloodline to determine its authenticity. The agency also creates guidelines determining what constitutes a tribe by assessing the history of the tribe and the authenticity of tribal members. There is a program run by the agency dealing with groups requesting federal recognition. As of 1978, more than 200 groups have petitioned the agency for federal recognition, which enables tribes to be eligible for health, education, and housing services. If approved, this could increase the present number of federally recognized tribes from 561 to over 860. An increasing number of Native Americans have petitioned to shut down the BIA, and some tribes have asked to be viewed as sovereign nations. The Indian Self-Determination and Education Assistance Acts have been amended to allow tribes to plan for self-governance.

Present-Day BIA

Presently, the BIA has worked toward changing its goals from land management to being advisory in nature. The agency advocates that Native Americans should manage their own affairs: "The Bureau of Indian Affairs is responsible for administering Federal Indian policy; fulfilling its Federal trust responsibilities to American Indians, Tribal Governments, and Alaska Natives; and promoting tribal self-determination and self-governance." The agency is an advocate for public and private assistance for the advancement of Native Americans. In 1997, the DOI auditors accused the agency of mismanaging money owed to Native Americans; as a result, the BIA became the focus of a class action lawsuit. The suit is believed to be the largest one ever against the United States. The potential number of Native Americans involved in the lawsuit is estimated between 250,000 and 500,000. If the judgment of civil action is in favor of the defendant, the federal government may have to pay $176 billion in damages. As of 2008, the trial is still ongoing.

Native Americans believe that the BIA has outlived its usefulness and that corruption plagues the agency's ability to provide for Native Americans. They also feel that the agency needs to be more diligent when it comes to providing health care, educational programs, and other social services for Native Americans. The BIA has undergone many transitions and still struggles with meeting the needs of Native Americans.

Favian Alejandro Martín

See also Indian Civil Rights Act; Indian Self-Determination Act; National Native American Law Enforcement Association; National Tribal Justice Resource Center; Native American Courts

Further Readings

Bakken, G. M., & Kindell, A. (Eds.). (2006). *Encyclopedia of immigration and migration in the American West* (2 vols.). Thousand Oaks, CA: Sage.

Barker, C. (2003). *Cultural studies: Theory and practice*. Thousand Oaks, CA: Sage.
Gabbidon, S. L., & Greene, H. T. (2009). *Race and crime* (2nd ed.). Thousand Oaks, CA: Sage.
Griswold, W. (2008). *Cultures and societies in a changing world*. Thousand Oaks, CA: Sage.
Monette, R. P. (2009). *Bureau of Indian Affairs: From broken treaties to casinos*. Westport, CT: Greenwood.

Websites

Bureau of Indian Affairs: http://www.doi.gov/bia

Byrd, James, Jr. (1949–1998)

James Byrd, Jr., was an African American man who, on June 7, 1998, in the small segregated east Texas town of Jasper, was brutally dragged to his death after being chained by the ankles to the back of a pickup truck by three White men (John William King, Lawrence Russell Brewer, and Shawn Allen Berry).

Byrd, the third of seven children born to James and Stella Byrd, was born and raised in Jasper. In 1967 Byrd was in the last segregated class to graduate from Jasper's Rowe High School before it was consolidated with Jasper High as part of a desegregation plan. He was a gifted musician and played the trumpet and piano. Byrd married in 1970 and had three children before divorcing in 1993. Between 1969 and 1996, Byrd was incarcerated several times for various offenses, including theft, forgery, and violation of parole. Byrd was well known around Jasper, and could frequently be seen walking about town, as he did not own a car.

The Killers

Shawn Allen Berry, 23, Lawrence Russell Brewer, 31, and John William King, 24, all had spent time in prison for various convictions. Berry and King had been buddies since high school and remained close. While in prison, King met Brewer, who had been in and out of prison since 1987. Just weeks before Byrd's slaying, Brewer had come to Jasper and moved into King's apartment. Nobody in town knew much about Brewer. He had no other connection to Jasper except for King and Berry and was seldom seen without them.

Brewer and King were both associated with a White supremacy group while in prison and came home covered with many blatantly racist tattoos. King had a tattoo of a cross with a Black man hanging from it. He had swastikas and Nazi-like "SS" symbols. On one arm was an evil-looking woodpecker peeking from beneath a Ku Klux Klan hood. In King's apartment, investigators found a copy of the White supremacists' manifesto "The Turner Diaries" and other literature indicating his connection with Klan-like groups. King also had a tattoo of the words *Aryan Pride*, and the patch for the Confederate Knights of America, a gang of White supremacist inmates.

The Murder

On Saturday, June 7, 1998, Byrd spent the day drinking and socializing with friends and family in Jasper, across town from his apartment. As he was walking home that Saturday, Berry, Brewer, and King offered him a ride, and he accepted. The three men had been driving around Jasper in Berry's grey pickup truck for much of the evening, drinking beer and looking for young women. Witnesses report seeing Byrd riding in the bed of a gray pickup with two or three men in the cab between 2:30 and 2:45 a.m. Berry later testified that he had stopped and given Byrd a ride. He said he didn't know Byrd but had recognized him as somebody who walked around Jasper a lot.

Instead of taking Byrd home, Berry, Brewer, and King drove east out of Jasper and stopped at a small clearing in the woods, a secluded spot for locals to drink beer without having to fear the police. Investigators believe there was a fight in the clearing because of the upturned grass, disturbed dirt, and a broken beer bottle, which were consistent with signs of a struggle. In the clearing, the investigators also found several items that could have fallen out of a truck while someone was being pulled out or that could have been left during a struggle.

In the clearing, the three men beat Byrd, and Brewer sprayed Byrd's face with Black paint. After the beating, Byrd was chained by the ankles to the

back of Berry's pickup. The truck traveled along the dirt trail and turned onto the pavement of Huff Creek Road. Byrd was dragged roughly 3 miles.

Investigators found Byrd's shoes, wallet, shirt, and other personal items along the dirt trail. His dentures and keys were found on the pavement. The trail of blood and flesh wove from one side of the road to the other and back again. Then, coming around a curve to the left, Byrd's body apparently bounced into a ditch on the right side of the road, hitting the ragged edge of a concrete culvert (a roadside drainage ditch) just below the right arm. The impact severed the arm, shoulder, neck, and head from the rest of the body, which continued to be dragged for another mile. King, Berry, and Brewer dumped James Byrd's mutilated remains in the town's segregated Black cemetery and then went to a barbecue. Byrd's body was found just west of the county line about 8 a.m. on Sunday, June 8, 1998.

It is not known how long he was alive during the dragging, but Brewer claimed that Byrd's throat had been slashed before he was dragged. Forensic evidence suggests that Byrd had been attempting to keep his head up, and an autopsy suggested that Byrd was alive for much of the dragging and died only after his head, shoulder, and right arm were severed when his body hit the culvert.

State law enforcement officials and Jasper's district attorney determined that since King and Brewer were well-known White supremacists, the murder was classified as a hate crime, and the FBI was brought in less than 24 hours after the discovery of Byrd's brutalized remains. After three separate trials, all three men were found guilty of capital murder. Brewer and King were sentenced to death. Berry received life in prison.

Lorenzo M. Boyd

See also Lynching; Racial Conflict; White Crime

Further Readings

Ainslie, R. C. (2004). *Long dark road: Bill King and murder in Jasper, Texas*. Austin: University of Texas Press.

King, J. (2003). *Hate crime: The story of a dragging death in Jasper, Texas*. New York: Anchor.

Temple-Raston, D. (2003). *Death in Texas: A story of race, murder, and a small town's struggle for redemption*. New York: Holt.

Capital Jury Project

The Capital Jury Project (CJP) is a national study of jury discretion in death penalty cases that began in 1991. In order to conduct interviews with former capital trials in all major regions of the country, the CJP brought together a broad consortium of legal and social science scholars. Typically, four jurors were administered a 2- to 3-hour interview about their entire trial and posttrial experience—from jury selection to sentencing decision to how the experience has influenced their present views on capital punishment. In order to provide a detailed comparison of the sentencing process, equal numbers of cases ending in life sentences and in death penalty sentences were sampled. Over the past 17 years, more than 1,200 juror interviews from some 350 capital trials have been conducted in 14 states.

This entry describes some of the CJP's major findings, highlighting four of the most detailed lines of empirical inquiry undertaken thus far: jurors' sentencing dispositions, jurors' evaluations of a life sentence, the impact of the defendant's youthfulness, and the influence of jurors' race on the capital sentencing process. The entry concludes with reflections on how the CJP contributes to a broader understanding of race and crime in America today. Understanding how jurors see themselves and how they see capital defendants sheds light on jurors' decisions to impose the death sentence. In particular, detailed research on jurors' narratives of their sentencing decisions elucidates the centrality of racial identity in jurors' sense making. More broadly, these stories can be seen as windows into the prevalence of racial ideology in taken-for-granted understandings of the crime problem in the United States today.

Major Findings of the CJP

Jurors' Sentencing Dispositions

One of the main purposes of jury selection in death penalty cases is to ensure that citizens selected to serve can keep an open mind on punishment. The capital trial is bifurcated into guilt and sentencing hearings. The selection process in theory is meant to ferret out those jurors who are likely to prejudge the defendant without adequate consideration of *both* the facts of the case and, in the sentencing phase, the aggravating factors (i.e., factors that make the crime worse, such as multiple victims) and mitigating factors (i.e., factors that make the crime less severe, such as the defendant was abused as a child) in determining whether or not the defendant will live or die.

The CJP data demonstrate failures in the selection process in a number of important respects. First, a majority of jurors in the sample were found to have their minds made up on punishment before the sentencing phase of the trial had begun. Indeed, a significant number of jurors were "absolutely convinced" that the defendant deserved a death sentence at this point, unsurprisingly holding to that position and sentencing the defendant to death. One such juror described this early death

decision "automatic." In some cases, jurors who were undecided on the issue of guilt agreed to convict the defendant of capital murder on the condition that jurors predisposed to give the death penalty did not vote to impose it—a kind of "trade-off" that undermines the requirement that jurors are supposed to keep their punishment and guilt decisions separate.

Jurors' Evaluations of a Life Sentence

The CJP data document that an overwhelming number of jurors did not believe that a life sentence actually means that the defendant will remain in prison the rest of his or her life. Such a belief has toxic effects on jurors' sentencing discretion. Specifically, many capital jurors in the CJP sample sentenced the defendant to death not because of retribution but because they were afraid that the defendant would be released from prison and kill again. Some jurors cited this knowledge as coming straight from the news media. In Georgia, more than half of the jurors believed that a life sentence meant release in exactly 7 years. In subsequent analysis of this phenomenon, it was discovered that the "myth of release in 7 years" was widespread in the Georgia media, even though capital murderers not sentenced to death are rarely ever released in the state.

The Death Penalty for Juveniles

In the months just prior to the U.S. Supreme Court's 2005 decision in *Roper v. Simmons* to abolish the death penalty for defendants under 18 years of age, an analysis of all cases involving juvenile offenders in the CJP data was undertaken (e.g., Bowers et al., 2004). This analysis demonstrated that jurors were extremely reluctant to impose the death sentence in such cases. Indeed, an overwhelming majority cited the defendant's age as the "most important" reason for imposing a life sentence instead of death.

The Impact of Jury Racial Composition and Jurors' Race in Combination With the Defendant's and Victim's Race on Sentencing

The CJP is the first systematic investigation of the influence of both individual juror race and jury racial composition on the capital sentencing process. Perhaps not surprisingly, the CJP data show that the fewer non-Whites on the jury, the greater the likelihood of a death sentence being imposed, especially in Black defendant–White victim (BW) cases. Moreover, in BW cases a strong majority of White jurors as compared to Black jurors are more likely to be predisposed to the death sentence even before the sentencing trial begins. Second, the CJP explored the role of race in jurors' application of sentencing guidelines. The weighing of aggravating and mitigating factors was the essential way the U.S. Supreme Court, when it lifted the moratorium on capital cases in 1976 (*Gregg v. Georgia*), believed that capital jurors' sentencing discretion could be insulated from arbitrary factors such as the race of defendants or victims. However, CJP data systematically document jurors' failure to consider clearly presented mitigating evidence, especially in BW cases.

Concluding Reflections: Race and Crime as a Story of "Us" and "Them"

The CJP data provide insights into the role of race in jurors' beliefs about crime that go beyond the formality of a capital trial. Detailed analyses of jurors' narrative accounts of their sentencing decision reveal the pervasive influence of racial ideology, especially in cases in which the defendant is Black and the victim is White and cases in which the disproportionately White juries can find greater empathy for victims of their own race and often similar social status. Specifically, jurors' narratives from Black defendant–White victim (BW) cases reveal their taken-for-granted, media-driven beliefs in the patent immorality and irresponsibility of Black and Latino/a defendants. Drawing on dehumanizing archetypes of *inferior* others, capital jurors in BW cases deny non-White defendants the complexity of their own lives.

Benjamin Fleury-Steiner

See also Baldus Study; Criminalblackman; Dehumanization of Blacks; Racialization of Crime

Further Readings

Bowers, W. J., Fleury-Steiner, B., Hans, V. P., & Antonio, M. E. (2004). Too young for the death penalty: An

empirical examination of community conscience and the juvenile death penalty from the perspective of capital jurors. *Boston University Law Review, 84,* 609.

Bowers, W. J., Sandys, M., & Brewer, T. W. (2004). Crossing racial boundaries: A closer look at the roots of racial bias in capital sentencing when the defendant is Black and the victim is White. *DePaul Law Review, 53,* 1497.

Bowers, W. J., Sandys, M., & Steiner, B. D. (1998). Foreclosed impartiality capital sentencing: Jurors' predispositions, guilt trial experience, and premature decision making. *Cornell Law Review, 83*, 1474.

Bowers, W. J., & Steiner, B. D. (1999). Death by default: An empirical demonstration of false and forced choices in capital sentencing. *Texas Law Review, 77*, 605.

Bowers, W. J., Steiner, B. D., & Sandys, M. (2001). Death sentencing in Black and White: An empirical analysis of the role of jurors' race and jury racial composition. *University of Pennsylvania Journal of Constitutional Law, 3,* 171.

Brewer, T. W. (2004). Race and jurors' receptivity to mitigation in capital cases: The effect of jurors,' defendants' and victims' race in combination. *Law and Human Behavior, 28,* 529.

Fleury-Steiner, B. D. (2002). Narratives of the death sentence: Toward a theory of legal narrativity. *Law & Society Review*, *36*, 549.

Fleury-Steiner, B. D. (2004). *Jurors' stories of death: How America's death penalty invests in inequality.* Ann Arbor: University of Michigan Press.

Fleury-Steiner, B., & Argothy, V. (2004). Lethal "borders": Elucidating jurors' racialized discipline to punish in Latino defendant death cases. *Punishment & Society, 6,* 67.

Steiner, B. D., Bowers, W. J., & Sarat, A. (1999). Folk knowledge as legal action: Death penalty judgments and the tenet of early release in a culture of mistrust and punitiveness. *Law & Society Review, 33,* 461.

Websites

Capital Jury Project: http://www.albany.edu/scj/CJPhome.htm

Capital Punishment

See Death Penalty

Castaneda v. Partida

The question confronting the U.S. Supreme Court in its 1976 review of the criminal conviction of Rodrigo Partida was whether the grand jury that had indicted him had unconstitutionally been composed of an inadequate representation of Hispanics on the panel, in violation of the Fourteenth Amendment's equal protection clause prohibiting discrimination based on race and ethnicity. More generally, the issue concerned the adequate representation of citizens of racial and ethnic minorities in the determination of criminal guilt or innocence.

Function of Grand Juries

Grand juries perform two functions. The first is to judge the strength of the prosecutor's case by examining the indictment and questioning witnesses about the alleged criminal action of the accused person. The second is to investigate wrongdoing based on its members' concerns or in regard to matters put before the grand jury by the judge who appointed it.

Grand juries were a cornerstone of the criminal justice system in England. Their origin commonly is traced to the Assize of Clarendon in 1166. It was required that criminal accusations thereafter be "presented" to grand juries composed of 12 "good and lawful men" selected from the locale. The tradition was incorporated into American law in colonial times and thereafter enshrined in the Fifth Amendment of the Bill of Rights. It initially was presumed that in the tightly knit communities from which grand jury members were recruited, they would personally be aware of illegal behavior and the character of persons who were said to be responsible for it. Today, there is much debate about the need for grand juries, since they often rubber stamp the wishes of the prosecutor who presents cases to them. Nonetheless, grand jury panels, whose work is secret (though news of their proceedings sometimes is leaked), have the ability to protect persons who are innocent or whose guilt is unlikely to be proven before a petit or trial jury from the expense and personal distress of a public hearing.

In Texas, grand juries were chosen by what was known as the "key-man" system, whereby three to five jury commissioners were appointed by district judges and charged with putting together a list of 15 to 20 candidates for service on the grand jury. The judge then picked the panel from the list compiled by the commissioners.

Judicial Rulings in *Castaneda v. Partida*

Partida had been convicted in 1972 in Hildalgo County, an area in south Texas on the Rio Grande, for the crime of burglary of a private residence in the nighttime with the intent to commit rape. He was sentenced to a minimum of 5 years and a maximum of 8 years of imprisonment.

The first federal court to consider Partida's appeal declared that the key-man system was highly subjective and archaic and inefficient. Nonetheless, it ruled against Partida on the ground that Mexican Americans constituted a governing majority in the county and that it therefore could not be presumed that they would intentionally discriminate against themselves.

The U.S. Court of Appeal for the Fifth Circuit disagreed with the lower court's "governing majority" emphasis but held that the state had not satisfactorily demonstrated that Partida was not a victim of discrimination that resulted from the selection of members of the grand jury.

By a vote of 5–4, the U.S. Supreme Court in *Castaneda v. Partida* (430 U.S. 482) disagreed with that view, pointing out that the 1970 census had found that 79.1% of the country's population of 181,535 persons were Mexican American but only 39% of those summoned for grand jury service between 1962 and 1972 shared that ethnic identity. In terms of population, 688 Mexican Americans should have been summoned for grand jury duty during this 11-year period; only 339 were. Writing for the majority, Justice Harry Blackmun concluded that Mexican Americans represented an identifiable group whose total population and its satisfactory representation on Hildalgo County's grand juries could be confidently calculated. Blackmun argued that if a racial or ethnic disparity is sufficiently large, then it is unlikely that it is due solely to chance or accident; therefore, in the absence of evidence to the contrary, it had to be concluded that racial or class-related factors had entered into the selection process.

In a concurring opinion, Justice Thurgood Marshall dismissed the idea of a "governing majority" as a determinate consideration. Marshall noted that social scientists agreed that members of minority groups frequently respond to discrimination and prejudice by attempting to dissociate themselves from their group, even to the point of adopting the majority's negative attitudes toward the minority.

Taking note of the Supreme Court's opinion, the Texas legislature in 1979 specifically required counties continuing to employ the key-man selection system for grand juries (in contrast to random selection) to be race conscious and to ensure that the choice of panel members resulted in a satisfactory cross-section of the community in regard to race, gender, and age.

By mid-2007, the Supreme Court opinion in *Castaneda v. Partida* had been cited 1,155 times in published court opinions in the United States and referenced in 630 law review articles. The most recent U.S. Supreme Court opinion referring to *Castaneda* came in 1998 when Terry Campbell, a White man convicted of murder in Louisiana by an Evangeline parish grand jury prevailed on his claim that the jury had excluded African Americans. "Regardless of his or her skin color, the accused suffers a significant injury in fact when the composition of the grand jury is tainted by racial discrimination," the 1998 opinion in *Campbell v. Louisiana* (522 U.S. 392, 398) declared, adding, "Discrimination on the basis of race . . . strikes at the fundamental values of our judicial system because the grand jury is a central component of the criminal justice process."

Gilbert Geis

See also Jury Selection; Latina/o/s

Further Readings

Albritton, E. M. (2003). Race-conscious grand jury selection: The equal protection clause and strict scrutiny. *American Journal of Criminal Law, 31,* 175–214.

Fukurai, H. (2001). Hispanic participation on the grand jury: Key-man selection, jurymandering, language, and representative quotas. *Texas Hispanic Journal of Law & Policy, 5,* 7–39.

Center for the Study and Prevention of Violence

In 1992, scholars at the University of Colorado at Boulder formed the Center for the Study and Prevention of Violence (CSPV). Under the direction of Dr. Delbert Elliott, this multidisciplinary organization works to compile and disseminate information on youth violence and the policies and programs related to its prevention. In the 1990s, when the CSPV was founded, youth violence had become an increasing concern. Rates of youth violence appeared to be rising faster than ever before. In the 1980s, gang and drug-related violence in urban, high-poverty areas became increasingly visible. These high-crime, high-poverty areas were largely populated by racial minorities, especially African Americans, linking race and crime together in the minds of many. Many scholars began work designed to better understand the purported relationship between race and crime. The CSPV began a number of research projects aimed at developing a general understanding of the various forms of youth violence, with and without regard to race, and the approaches taken to curb it. These projects provide some insight on the race-crime relationship but overall provide a foundation for the CSPV's ongoing research aimed at determining "what works" in preventing youth violence.

Today, the CSPV conducts research, provides training and technical assistance for those developing, implementing, and evaluating violence prevention programs, and operates an "Information House" to synthesize and organize violence-related literature into a number of publicly accessible online databases. Individuals can then customize a search for violence prevention programs and related books, academic journal articles, professional reports, media and instruction manuals, and surveys to aid the measurement of violence. Currently, the group works toward development of an additional database that will allow users to search for intervention programs specifically useful for youth of different genders and various ethnicities.

The Problem of Youth Violence

The CSPV initially set out to research violence among American youth through publication of a series of "center papers." In 1994, the center began the Violence in American Schools project. Funded by the W. T. Grant Foundation, the project integrated past research on the causes and nature of youth violence with current research on the relationship between adolescent violence and the school system. Colorado Trust then funded the Violence Prevention Initiative, designed to help Colorado-based organizations plan and implement effective prevention programs. The Youth Handgun Violence Prevention Project was later implemented when those involved in the Violence Prevention Initiative expressed concern over the increasing use of handguns by youth in their areas. This research continues today under the Safe Communities-Safe Schools initiative.

Other early projects investigated the relationship between violence and race, class, gang involvement, drugs and alcohol, hate-motivated crimes, and sexual aggression. These studies revealed that violence victimization and perpetration occurred more often during adolescence and young adulthood than during other years of life. African American men ages 15–24 were at particularly high risk for homicide victimization, followed by Hispanic males and Native American males; White males of the same age were of much lower risk. Economic variables were important in understanding homicide rates, however, as rates were (and still are) higher among economically marginalized populations of all races and ethnicities, relative to more economically privileged groups.

These initial studies also revealed inaccuracies in media depictions of youth violence. Though America experienced increases in youth violence from 1980 through the 1990s, there is more to the story. Many more adolescents, especially those ages 12–15, became victims of violence, but there

were no dramatic changes in self-reported violent offending. After 1988, however, the rates of juvenile homicide substantially increased. This suggests that, while youth violence did not become a more frequent occurrence, it became more lethal in its consequences, largely because of the increasing availability of guns. The presence of guns in schools also became an increasing concern after a number of high-profile, fatal school shootings, such as the shootings at Columbine High School in nearby Littleton, Colorado. Society's attempts to deal with handguns, as well as violence more generally, both within and outside of the school system became issues of central focus for the CSPV.

What Works in Preventing Youth Violence

A variety of approaches were implemented in the 1990s to address youth violence. New legislation was passed to enact tougher punishments for convicted offenders, in the form of longer sentences and/or "boot camp" programs for young offenders. Other legislation allowed for juveniles as young as 10 years of age to be "waived" or transferred to adult court for violence offense. New gun control policies came into effect, and schools and communities began to implement a number of prevention programs.

The CSPV took on the challenge of researching a number of these strategies and, in doing so, made significant contributions to our knowledge of "what works" in dealing with youth violence. Many programs, including neighborhood watches, gun buy-backs, boot camps, and the widely implemented D.A.R.E. (Drug Abuse Resistance Education) program, were found to be ineffective, while shock and scare approaches like the Scared Straight program appeared to increase a juvenile offender's likelihood of reoffending. In response to gun violence within schools, many districts chose to install metal detectors or implement locker searches. These approaches have not been proven effective either.

Various organizations conducted evaluations of school- and community-based prevention programs and concluded that many were effective in reducing violence and other related behaviors, such as drug use and childhood aggression. CSPV-based scholars, however, believed that the standards for judging the scientific quality of the program evaluations were too low. In response, the CSPV proposed a new method for evaluating such evidence and, with funding from the Centers for Disease Control and Prevention, the Colorado Division of Criminal Justice, and the Pennsylvania Commission on Crime and Delinquency, began the Blueprints for Violence Prevention initiative in 1996.

Blueprints for Violence Prevention

The initiative continues today. The CSPV has, to date, reviewed evaluations of more than 600 programs, critically examining both the methods used to evaluate each program and the evidence of the program's effect on outcomes such as drug use, delinquency, and violence. Exemplary programs are rated as either "Model" or "Promising." To qualify as a Model, a program must demonstrate deterrent effects through a scientifically sound evaluation design. Strong designs are those that either randomly assign individuals or schools to a treatment or a no-treatment condition or utilize a no-treatment comparison group that is "matched" to the treatment group on a range of variables, especially the drug, delinquency, and/or violence-related outcome measures. Statistical analysis should also control for any differences between the two groups before the program is implemented, even when random assignment is used.

The studies should also include a large sample size and should retain a large amount of the sample throughout the study period. Loss of study participants can result in nonequivalent comparison groups. Effects should be replicated by at least one other evaluation and should be sustained at least 1 year after the program ends. Programs without replicated, sustained effects may instead qualify for "Promising" status. (See Table 1.)

Now that effective programs have been identified, the task is to successfully disseminate information about the programs and assist sites in implementing them with fidelity. To achieve this, the CSPV developed the Blueprints Replication Initiative, which examined implementation of a number of violence prevention programs in 42 sites and the Life Skills Training program in 70 sites across the country. To be most successful, those interested in developing a program must take

Table 1 Model and Promising Programs

Model	*Promising*
• Midwestern Prevention Project	• Athletes Training and Learning to Avoid Steroids
• Big Brothers Big Sisters of America	• Behavioral Monitoring and Reinforcement Program
• Functional Family Therapy	• Brief Alcohol Screening and Intervention of College Students
• Life Skills Training	• Brief Strategic Family Therapy
• Multisystemic Therapy	• CASASTART
• Nurse-Family Partnership	• FAST Track
• Multidimensional Treatment Foster Care	• Good Behavior Game
• Olweus Bullying Prevention Program	• Guiding Good Choices
• Promoting Alternative Thinking Strategies	• I Can Problem Solve
• The Incredible Years: Parent, Teacher and Child Training Series	• Linking the Interests of Families and Teachers
• Project Towards No Drug Abuse	• Perry School Project
	• Preventative Treatment Program
	• Project ALERT
	• Project Northland
	• School Transitional Environmental Program
	• Seattle Social Development Project
	• Strong African American Families Program

time in developing the capacity to implement it in any one particular location. Quality training and technical assistance are also important if the program is to achieve its goals.

The CSPV now hosts a Blueprints Conference, with hopes of better disseminating information about these programs and providing technical assistance directly from the program designers to those who are interested in implementing such programs. Today, the center continues to study implementation of various Blueprints Model programs. It continuously updates its database of prevention and treatment programs, looking specifically at how well each program works for youths of different genders and racial backgrounds.

Allison J. Foley

See also Boot Camps, Juvenile; Delinquency and Victimization; Delinquency Prevention; Violent Juvenile Offenders

Further Readings

Elliott, D. (1998). *Prevention programs that work for youth: Violence prevention*. Boulder: University of Colorado, Center for the Study and Prevention of Violence.

Elliott, D., Hamburg, B., & Williams, K. (Eds.). (1998). *Violence in American schools: A new perspective*. New York: Cambridge University Press.

Mihalic, S., Irwin, K., Elliott, D., Fagan, A., & Hansen, D. (2001). *Blueprints for violence prevention*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

Websites

Center for the Study and Prevention of Violence: http://www.colorado.edu/cspv

Center on Race, Crime and Justice

See John Jay College Center on Race, Crime and Justice

Central Park Jogger

Central Park jogger refers to a female rape victim who was attacked while jogging in New York's Central Park in 1989. The particularly brutal nature of the attack and the young ages of the suspects led to extensive national attention for the crime and sparked a media frenzy over youth violence in New York. As the case proceeded, it became a symbolic battleground for race, class, and gender issues in the late 1980s and early 1990s.

The jogger, a 28-year-old White investment banker was beaten, raped, and left for dead in a ravine in Central Park on April 19, 1989. Several other joggers and bicyclists had been assaulted the same evening, and police rounded up about 30 teenage boys for questioning. Ultimately, five African American and Latino youths, ages 14 to 16, were charged with the rape. Their arrests and subsequent convictions were based largely on the videotaped confessions of four of the boys. There was no physical evidence connecting them to the crime scene, none of the other assault victims could identify any of the boys, and the rape victim, who awoke from a coma after 12 days with no memory of the attack, was unable to identify her attacker. Media outlets reported that one of the boys had said they had been out "wilding," a new term that supposedly referred to random sexual violence committed by groups of urban teenagers for amusement. Supporters of the boys claimed that police, who had held the boys in custody for 2 days before videotaping them, had coerced the confessions, while prosecutors argued that the confessions were too detailed to be made up. All five boys served prison sentences of 5 to 10 years. In 2002, a man serving a prison sentence for several other violent crimes confessed to the Central Park jogger rape and insisted that he had acted alone. DNA testing, which was not available in 1989, matched the semen from the crime scene to the man. Although the police and prosecutors of the original case insisted that the five boys had still been involved, their convictions were ultimately vacated.

Race, Class, and Gender

The attack occurred in the context of peaking homicide rates in New York City, fueled by the crack cocaine epidemic, increasing gentrification of the areas around Central Park, growing gaps between those who had benefited and those who had suffered under President Ronald Reagan's economic policies, and increasing gender and racial tension resulting from several other divisive court cases. With these trends as the background, the Central Park Jogger case became a field upon which these conflicts could play out. With the help of the media and several high-profile public figures, the case resulted in what some have called a "moral panic," a vastly disproportionate response to a real or imagined public threat. Public fear of so-called wilding, or out-of-control minority youth committing racially motivated random violence, skyrocketed.

Media reporting of the case contributed significantly to its framing in terms of racial conflict. The races of both the defendants and victim were mentioned frequently. Although the defendants were minors, the police released their names, addresses, and pictures for publication because of the seriousness of the crime. The defendants were frequently described in news articles as a gang, a term with distinct racial connotation, even though they were not members of any street gang. Media accounts also frequently described the defendants as "animals," "feral beasts," "savages," a "wolf pack," and a "roving gang," invoking negative racial stereotypes and fueling racial conflict. The term *wilding* became a buzzword for any violence or disorder committed by minority youth against Whites. The case also contributed to the myth of the rise of the juvenile superpredator: brutal, amoral, minority adolescent criminals who were beyond the reach of social and rehabilitative programs. The superpredator myth was frequently used to justify harsher criminal justice policies in the face of falling crime rates in the 1990s.

The Central Park jogger case also sparked debates over class issues in the media. Initially, the defendants were described as troubled youths from the ghetto, despite the fact that most hailed from stable families in a middle-class housing development. Though the victim's identity was withheld, her background was widely reported: undergraduate degree from Wellesley, graduate degrees from Yale, an up-and-coming investment banker at Salomon Brothers. For many, the attack came to represent the extreme resentment of working-class

minority youth against successful young urban professionals. The backlash against the youth was fueled when several prominent New Yorkers called for the death penalty in the case.

The public debate over the case also caused a split between African American activists and feminists. African American activists believed the defendants were targeted because of their race and were coerced by police into falsely confessing the crime. They argued that the main issue in the case was violation of the rights of the defendants. Feminists, on the other hand, were eager for a conviction and argued that the real issue was violence against women. Many feminists criticized the African American community for failing to support the victim and drawing attention away from the brutality of the attack itself.

When the convicted youths were exonerated in 2002, the earlier debates were revisited. The case then brought increased attention to the problems of false confessions by adolescent suspects, police coercion, and criminal racial stereotyping.

Monica Erling

See also Moral Panics; Wilding; Wrongful Convictions

Further Readings

Chancer, L. (2005). Before and after the Central Park jogger: When legal cases become social causes. *Contexts, 4*(3), 38–42.

Hancock, L. (2003). Wolf pack: The press and the Central Park jogger. *Columbia Journalism Review, 41*(5), 38–42.

Johnson, M. B. (2005). The Central Park jogger case—police coercion and secrecy in interrogation: The 14th annual Frantz Fanon MD memorial lecture. *Journal of Ethnicity in Criminal Justice, 3*(1/2), 131–143.

Meili, T. (2003). *I am the Central Park jogger: A story of hope and possibility*. New York: Scribner.

Sullivan, T. (1992). *Unequal verdicts: The Central Park jogger trials*. New York: American Lawyer Books/Simon & Schuster.

Chain Gangs

This entry examines the history of chain gangs in the United States. The use of chain gangs in America is analyzed against a backdrop of changing social and economic conditions. The eventual disdain for and reemergence of this form of punishment are also briefly addressed.

The Progressive Movement

Chain gangs as an American penal institution can be traced back to the late 19th century and are borne of ideas not new in the history of practices related to punishment. As early as 1697, convicts were transported from the British Isles to serve in the American colonies as slaves and indentured servants. Convict labor was also used in 1718 to clear the land that would eventually become the city of New Orleans. In 1786, Pennsylvania law declared convicts should "publicly and disgracefully labor" and were put to work maintaining the streets of Philadelphia.

Despite this history, the use of chain gangs did not become widespread penal policy until the late 1800s; it is most commonly associated with the Progressive movement of reforms instituted at the time. Progressives were concerned with the excesses and abuses of the convict leasing system, which was legislatively enacted to supply convicts to private enterprise as a cheap source of unskilled workers thought necessary to fill the vacuum in labor created by the enactment of antislavery laws. The convict leasing system also served as both a source of revenue for penal institutions and a means to reduce expenditures related to housing and caring for inmate populations. Businesses eligible to lease convicts profited from an inexpensive, strike-free source of labor.

Living Conditions Under Convict Leasing

Unfortunately, the efforts of capitalists to increase profits came at the expense of human rights for convicts. Leased convicts were typically housed in long plank houses with low, two-story bunks and were under constant watch by shotgun-toting guards; they were punished for the slightest of provocations despite laws prohibiting Draconian disciplinary measures such as impromptu whipping and shooting. Adequate food and health care were minimal at best, in order to keep costs low and profits high. Consequently, the average life span for inmates working within the convict

leasing system was approximately 7 years, a death rate considerably higher than that for inmates confined within the walls of a conventional prison cell.

Emergence of the "Good Roads" Movement

Despite demands for retributive forms of justice, the convict leasing system was viewed as functionally equivalent to the repressive Russian prison system known as *gulags*. In 1890, a Mississippi constitutional convention called for an end to convict leasing, and by 1903 the system was openly critiqued in the press as a form of human slavery. Among those who protested the system were a surprising number of capitalists who were neither able to procure convicts as laborers nor able to compete effectively in the free marketplace with those who were employing inmate workers. Corresponding legislation sought to restrict the sale of goods produced through convict labor in the open market. In addition, those who did employ convict labor found their profits declining as states increased the cost of individual convict leases.

A growing consensus of interest groups sought an end to convict leasing and demanded that convicts instead be employed in developing the public roadways. This group consisted of the aforementioned organized labor, penal reformers, the media, Progressive legislators, and supporters of the "good roads" movement. Aside from critiquing the unfair market advantages given to those employing convicts, organized labor trumpeted the benefits that could be derived from developing roads that linked agriculture and industry with burgeoning urban markets. Penal reformers detailed the brutality of the leasing system as they expounded the reformative benefits that working in the "fresh air and sunshine" would entail. The press acted as early muckrakers in exposing how private enterprise profited at the expense of human rights and dignity under the leasing system, and they proposed a system of convict road work as an alternative. Progressive legislators of the time saw the institutionalization of convict road work as a means to further what is best described as a paternalistic system of race relations founded on notions of a need to control newly freed African Americans seen as inherently "childlike" and criminogenic.

Perhaps the most vocal of the interest groups were proponents of the "good roads" movement. The existing antiquated system of road development held that citizens of each county were conscripted to serve a number of days each year in maintaining and improving public roadways. The system was inefficient, primarily for social reasons, as worksite overseers and foremen were often unwilling to demand much from their neighbors in the physically demanding enterprise. Using conscripted labor was also unpopular, and aside from unpopularity stemming from the grueling nature of the work, farmers and employers were not enthusiastic about relinquishing employees for public projects. Taxation was not seen as a viable alternative to using conscripted labor, as it would alienate taxpayers and be too financially burdensome on state and county fiscal resources. Proponents of the "good roads" movement suggested convict labor as the solution to this and many other problems.

Initiated in 1892 as a means to connect major population centers and develop the national economy, the "good roads" movement was vocal in trumpeting the benefits of employing convict labor. The movement coexisted with the attack on the convict leasing system and was composed of a variety of different groups. Among its most published supporters were members of the North Carolina State Geological Survey, who also served as leaders of the national "good roads" movement. They promoted convict labor as a means to improve the economic infrastructure of the South through improving the available system of transportation. Furthermore, they forwarded the idea that convict labor on public roadways would provide simultaneous benefits for the state as well as convicts.

As late as 1913, convict labor was promoted as a penal policy that would better convert the convict into a respectable citizen in comparison with the brutalizing effects of the leasing system. "In the fresh air and out of the prison cells and coal mines" was the mantra of penal reformers associated with this movement. Other proponents of the "good roads" movement promoted it as a means to forestall migration from rural areas, improve access to education, provide compulsory work for tramps and vagrants (often a euphemism for newly freed African Americans), and decrease isolationism in rural areas. Railroad owners also naively promoted the movement as a means to increase freight on

their lines, supposing a developed system of roads would serve as connectors between rail lines.

Chain Gangs in the South

However, compulsory convict labor on public roads was already in use during the era of convict leasing in southern states, where the two practices coexisted, according to a U.S. Department of Labor study published in 1886. By that year, most southern states had legislative provisions enabling the use of convict labor on public streets. But the practice did not achieve widespread implementation until the convict leasing system had been thoroughly undermined as a legitimate penal practice, and consequently it was abolished in 1908. Whether laboring on public roadways, state-owned farms, or toiling amid the deadly chemicals of the turpentine mills, "chain gangs" (a colloquial reference to the form of physical control used to hinder escape from the worksite) became one of the hallmark penal institutions in the South. Nearly all states in the union had legal provisions to implement chain gangs; their widespread use in southern states has been attributed to climactic conditions favorable to outdoor work, a lack of competing uses for unskilled labor, and a population that did not concertedly object to seeing predominantly African American convicts publicly brutalized and humiliated.

Despite its conception as a Progressive and humanitarian penal policy aimed at the reformation of convicts as well as the economic development of a flailing southern infrastructure, in practice chain gangs were a vicious retributive practice that served to reinforce existing racial stereotypes and hierarchies. Only those convicts deemed physically able for the exhausting work were permitted on the chain gangs, the others left to serve their time in conventional prison cells. Early proponents of chain gangs recognized the potentially stigmatizing effect convicts might experience through being forced to wear striped uniforms publicly marking them as convicted criminals. They subsequently declared that African Americans would be more suitable for the chain gangs, as their "childlike" dispositions were less affected by the negative consequences of being labeled "criminal." Following from this misguided rationale, chain gangs were composed primarily of African Americans and, in the spirit of race relations of the time, were nearly always beaten into submission.

Unfortunately, concern over the effects of stigmatization on Whites was not coincident with concern over the atrocious working conditions to which chain gang laborers were subjected. Similar to the convict leasing system, laborers in the chain gangs were scattered across many road work camps, with little state oversight, resulting in comparably horrible working conditions for the convicts themselves. After excruciatingly laboring in the heat and humidity characteristic of the southern United States, chain gang workers could expect to receive little to eat, and what was provided was poor in quality. In the parlance of the time, they were often "beat like dogs" to keep pace with the impossible demands of their armed overseers; corporal punishment and sadistic forms of torture were employed to ensure compliance. Although originally employing the labor of misdemeanants, chain gangs developed to include more serious felons and often chained the two classes of offenders together in work crews. Early chain gang inmates typically slept chained together under the constant watch of armed guards. Journalists of the time likened the conditions to a modern form of slavery.

Chain gangs were originally implemented in the "plantation belt," where a high percentage of former African American slaves resided. In terms of developing the transportation infrastructure, the use of chain gangs was an unmitigated success, and its implementation as a penal institution-*cum*-economic stimulus consequently spread to neighboring regions in the South. However, much like the architectural works of antiquity that were also constructed through the use of slave labor, development of the transportation infrastructure was achieved at the expense of recognizing the detrimental effects on human life and dignity.

The Dissolution and Reemergence of Chain Gangs

Chain gangs fell out of favor as a penal practice for a variety of reasons. The publication of a book highlighting the excesses and brutality of the system challenged the notion that "fresh air and sunshine" were equivalent to rehabilitation. Along

with the need to reposition workers to support the war effort during World War II, road building technology had also changed to render unskilled manual labor superfluous. Prisoners working in tightly chained groups were inefficient and incompatible with the new technological developments. In addition, existing racial stereotypes were being challenged in ways that undermined the legitimacy of a penal policy functionally aimed at controlling African Americans.

The mid-1990s saw a resurgence of chain gangs as a penal practice, and it was first reinstituted in Alabama in 1996. Aside from a desire to reduce prison expenditures, chain gangs were reimplemented by legislators eager to appease voting constituencies that demanded their representatives appear "tough on crime." While politicians trumpeted the potential deterrent effects chain gangs may produce, they failed to address the historic rationales that underpinned its original institutionalization, namely the need to develop a fledgling transportation infrastructure and provide an alternative to an even more barbaric penal practice. They also downplayed the role that racist ideology played in the implementation of chain gangs as a penal practice, much to the dismay of civil rights groups. Researchers evaluating the impact of chain gangs must measure its effectiveness as a penal practice aimed at reducing recidivism against its impact on the fundamental value of human life and dignity.

Douglas J. Dallier, Lindsey Bergeron, and Courtney A. Waid

See also Convict Lease System; Private Prisons; Racialization of Crime; Racism

Further Readings

Allen, H. E., & Abril, J. C. (1997). The new chain gang: Corrections in the next century. *American Journal of Criminal Justice, 22,* 1–12.

Lichtenstein, A. (1996). *Twice the work of free labor: The political economy of convict labor in the New South*. Brooklyn, NY: Verso.

Potts, C. S. (1903). Convict labor system of Texas. *Annals of the American Academy of Political and Social Science, 21,* 84–95.

Pratt, J. H. (1913). Convict labor in highway construction. *Annals of the American Academy of Social and Political Science, 46,* 78–87.

Steiner, J. F., & Brown, R. M. (1969). *The North Carolina chain gang: A study of county convict road work*. Glen Ridge, NJ: Patterson Smith.

Zimmerman, J. (1951). The penal reform movement in the South during the Progressive era 1890–1917. *The Journal of Southern History, 17,* 462–492.

Chicago Race Riot of 1919

The Chicago Race Riot of 1919 occurred during the "Red Summer," a 6-month period when race riots occurred in 25 cities in the United States. This entry describes the Chicago Race Riot, which was one of the most violent and deadly during that time. The Chicago Race Riot is important to the study of race and crime because it provides a temporal perspective on race riots and race relations.

Precursor to the Events

Following World War I, Black veterans believed that they should be given employment and better wages since they had fought in the war, but many Whites opposed efforts to bring about racial equality in the workplace. Unionization of factories and plants was in progress in an effort to secure higher wages at the same time that Blacks were migrating to the North in search of jobs. Many Blacks filled in as strike breakers and refused to join unions. These actions led to racial tension among the Blacks and Whites. White immigrant workers also immigrated to Chicago to get work, and this contributed to the tension. Housing costs for Blacks were double those of Whites, and Blacks were paid considerably less. Food and clothing costs also rose, which also contributed to poor living conditions for Blacks in the worst part of Chicago, the Black Belt. Two Black men were murdered on June 21 by the Ragen's Colts, a White gang, and the Chicago police refused to investigate the matter. As a result, Blacks had even less faith in law enforcement in Chicago, and these events fueled what followed during the 5 days beginning on July 27, 1919.

The Events of July 27, 1919

On July 27, 1919, in the middle of a very hot, tense summer in Chicago, a young Black boy named Eugene Williams inadvertently swam into an informally segregated area in Lake Michigan with his friends when they were attacked by a White man. A rock was thrown at the young boys, striking Eugene Williams on the head and causing him to drown.

At the same time, a few blocks away at the 29th Street beach, several Black men and women attempted to enter the White-only beach. After being threatened by the Whites with rocks and verbal threats, the Blacks left, only to return with backup. This time, the Blacks threw rocks at the Whites. The White bathers fled the beach but returned with their entourage, and there was more rock throwing.

Friends of Eugene Williams identified to the police the White man who threw the rock that killed their friend. Originally a Black police officer took the report but was denied authority to make an arrest by a White police officer. Instead, the White police officer arrested a Black man. The boys spread the word about what had happened at the beach, and coinciding with what was happening at 29th Street, a bloody warfare began.

Rumors began to spread as to what happened at the beach. The story was told among the Whites that it was a White boy that had drowned at the hands of a Black man. Another rumor suggested that the Black boy's death could have been prevented but the White officer would not allow anyone to jump in and save him. Hundreds of angry Whites and Blacks went to the beach. Violence escalated when a patrol wagon arrived to transport the arrested Black man. A Black man named James Crawford drew a revolver and fired into a group of policemen, wounding one of them. A Black officer returned the fire, killing Crawford. It was this gunfire that started the race riot.

The race riot lasted for 5 days. Whites and Blacks carried guns and clubs to protect themselves. More rumors spread throughout the city among both races, leading to still more tension and anger. Members of Ragen's Colts drove their vehicles into the Black Belt, shooting at everyone in their sight as they passed by them, and Black snipers fired back. Mobs of Whites roamed around looking for Black people to attack by stoning, stabbing, and shooting them. Blacks' houses were burned down, with families inside barely escaping. Although most of the violence occurred in the Black Belt, violence occurred in areas throughout the city, including the Chicago Loop.

Timeline

The calm on the evening of July 27, with the streets empty and abandoned, led Governor Frank Lowden to believe the police force could handle the situation. The next day, Monday, July 28, White gangs and workmen waited near the gates of the stockyards with wooden clubs, iron pipes, and hammers. They attacked the Black workers as they attempted to pass through the gates. Some escaped by running and boarding street cars. Eventually the street cars were also attacked. White mobs canvassed the city looking for prey and attacking Black men on sight. By Tuesday, trains had ceased operation, forcing Blacks to walk. Only a few Black workers reported to the stockyards and other agencies to work. By this time, the violence had spread to the Chicago Loop. On this day, a mob of 100 young White males, many of whom were soldiers and sailors, hunted for Blacks in the downtown district. Black men and boys were dragged into the streets, beaten, and shot.

The Illinois State Militia was called up by the city's mayor, William Hale Thompson, but the order was not implemented until Wednesday night at 10 p.m., after much bloodshed. At that time, 6,200 troops in the militia moved out of the armories to control the city. They were told that both Black and White rioters were dangerous and that both should be arrested. Disciplined and even impartial, the militia did crack down on the White gangs affiliated with the athletic clubs. After the involvement of the militia, rioting and violence became sporadic and sparse, especially after rain began that night. It is not known why Mayor Thompson waited so long to enlist the militia; one explanation is that he saw the inability of the Chicago police to deal with the situation as a reflection upon himself.

On Thursday, July 30, many Black workers attempted to go to work, but it quickly became

evident that the hostility was not over. White workers attacked the Black workers with hammers and clubs. A mob attacked a Black man who was already dazed by a previous barrage of hits by a hammer, striking him with shovels and brooms. The stockyards were safe only for White workers. On Friday, July 31, meat packers established emergency pay stations, traction workers voted to end the strike, and Black men and women were able to go outside their homes. On Saturday, August 1, the use of street cars and elevated train service resumed. The meat packers, head of the militia, and the deputy chief of police made arrangements for everyone to return to work safely and under the guard of the police and militia. Flyers and signs were posted, instructing everyone to come back to work on Monday at 7:00 a.m. sharp. Whites attempted to revive the riot by setting a fire to the ramshackle dwellings of Polish and Lithuanian laborers who resided in a neighborhood located behind the stockyards. The perpetrators painted their faces Black so the Blacks would be blamed. The grand jury charged the athletic clubs with setting the fires. Sunday and Monday, August 1 and 2, were uneventful for Chicago. On August 8, the militia marched out of Chicago, and the rioting was officially over.

In the end, police officers had killed seven Black men during the riot. Mobs and gang members had killed 16 Blacks and 15 Whites. More than 500 Chicagoans of both races had sustained injuries. Across the city, more than 1,000 Black families were burned out of their homes.

Causes of the Riot

Competition in the Job Market

Many factors, including housing and politics, precipitated the riot, but a long-standing discord between both races competing in the same job market is perhaps the most important reason for the riot. The Blacks arriving from the South were seen as less sophisticated and less educated than Blacks who had lived in Chicago since before World War I; longtime residents felt that the new migrants spoiled things and disturbed the balance that the Blacks had with the Whites. Laborers in Chicago also had an intense sense of class consciousness. Blacks were getting along with Whites as long as they were doing jobs that Whites did not want. However, Whites felt threatened when Blacks became competitive with Whites in the job market. Blacks' acceptance of low wages, refusal to join unions, and strikebreaking activities increased racist responses by Whites. Between 1910 and 1920, the Black population in Chicago had grown from 44,103 to 109,594, a gain of 150%. This put a strain on the Black neighborhoods and frightened White blue-collar workers.

Most new Blacks from the South were recruited by the stockyards and the meat packers and were a part of what is known as the "Great Migration" from 1916 to 1930. Blacks seeking to escape the South provided the packinghouses with new workers, especially when current employees were drafted for service in World War I. *The Defender,* a Black newspaper, encouraged the migration to the North by advertising jobs and housing. It also explained the do's and don'ts to new arrivals in Chicago so as not to embarrass the settled Blacks. Black Chicagoans realized that in the event of a depression they would be easily expendable, and many did not want to jeopardize their employment by joining White unions. Those who did not join unions were seen as enemies of the union, and White workers referred to nonunionized Blacks as "scabs." Laborers in Chicago also had an intense sense of class consciousness.

Housing

From July 1917 to July 1919, approximately 26 bombs exploded at Black residences and at the homes of White real estate agents' homes who sold homes to Blacks. Bombs were used to chase Blacks out of what had once been all-White neighborhoods and regain control over the neighborhoods. More than half of the bombs were exploded 6 months prior to the riot. Blacks would choose to leave after being intimidated by threats of violence. The Black Belt was the only place Blacks could live without being harassed by Whites.

Politics

During the mayoral election, Blacks had supported Mayor Thompson, whom they considered another Abraham Lincoln and whom they wanted to run for president. Whites felt that Mayor

Thompson was a "lover of Blacks" who kissed Black babies. Blacks' voting record reinforced the anger, hostility, and racial hatred of numerous groups, which in turn precipitated violence. The migrants saw the ballot box as a symbol of their freedom, and they wanted to vote to demonstrate they could with the utmost honesty and dignity. The White resented the powers of the Black vote and the way in which Blacks had put Mayor Thompson in office. All of these factors are important to understanding race relations in Chicago during the Red Summer of 1919.

Rhonda Pavlu

See also Race Relations; Race Riots; Racial Conflict; White Gangs

Further Readings

Fusfeld, D. R., & Bates, T. (1984). *The political economy of the urban ghetto*. Carbondale: Southern Illinois University Press. Retrieved from http://www.questia.com/PM.qst?a=o&d=6139061

Gilje, P. A. (1996). *Rioting in America*. Bloomington: Indiana University Press. Retrieved from http://www.questia.com/PM.qst?a=o&d=101540458

Marable, M. (1991). *Race reform and rebellion* (2nd ed.). Jackson: University Press of Mississippi.

Street, P. (1996). The logic and limits of "plant loyalty": Black workers, White labor, and corporate racial paternalism in Chicago's stockyards, 1916–1940. *Journal of Social History, 29*(3), 659–681. Retrieved from http://www.questia.com/PM.qst?a=o&d=5000374620

Tuttle, M. (1970). *Race riot: Chicago in the Red Summer of 1919*. New York: Athenaeum.

Chicago School of Sociology

In the late 1800s, the sociologist Émile Durkheim theorized that areas experiencing rapid social change would experience few, if any, informal social controls, which would result in an increase in crime and delinquency. This framework was utilized by sociologists working at the University of Chicago during the years of the early 20th century in efforts to understand which environmental factors contributed to increased rates of crime and delinquency in specific neighborhoods. In determining correlations between neighborhood location and higher crime and delinquency rates, it was hypothesized that social-structural determinants of crime could be identified. Through the work of George Herbert Mead, Robert Park, Ernest Burgess, Frederic Thrasher, and Florian Znaniecki, the Chicago School of Sociology was founded, thus beginning a rich tradition in the sociological inquiry into the dynamics of the urban environment and its relationship to crime and delinquency. Eventually, through the work of Clifford Shaw and Henry McKay, the Chicago School became integral in the study of the causes of crime and delinquency in urban environments. The theory of social disorganization was a prominent theory to come from the foundations of the Chicago School. This theory has been a key explanation of crime and delinquency since its formulation in the mid-20th century, and it continues to influence criminological theory and urban policy today.

General Concepts

Several concepts are central in understanding the development of the Chicago School and the work of sociologists attempting to understand crime in urban areas in the early to mid-20th century. The Chicago School sociologists placed an emphasis on influences outside of the individual, specifically the structural conditions of neighborhoods and the social influences of these areas. The Chicago School sociologists proposed that crime is a normal response by persons not suffering from biological or psychological impairments to abnormal social conditions. The Chicago School emphasized empiricism through ethnographic data collection, the use of demographic and population data, and systematic observation.

Because crime was viewed as originating outside the individual, criminal activity was hypothesized as a normal response by normal people to conditions viewed by society as abnormal. Because of this, communities were viewed as a critical focus of study, as the mix of cultures in growing urban areas led to culture conflict among residents. As such, the theory of social disorganization, the most prominent theory to come from the Chicago School, emphasized the social-structural determinants of

residential mobility, poverty, and racial heterogeneity as the prime conditions for culture conflict in urban communities.

Early Chicago School Work

Many urban centers were experiencing rapid population growth at the turn of the 20th century. The city of Chicago saw not only a marked increase in population, but an increase in the numbers of European immigrants and African Americans migrating from the rural southern states in search of work in one of the city's vast number of developing industries. Progressive thinkers of the time were against rapid industrialization, as the costs to the quality of human life were viewed as too great. The promise of the American dream did not extend to all groups within society, especially individuals living in slum neighborhoods. From this came a movement to provide persons from disadvantaged backgrounds, especially youth, with services that would lessen the frustrations presented by poverty-level living conditions. It was at the same time that the University of Chicago began a Department of Sociology with the primary focus of helping individuals living in areas of social unrest. The department's mission was the improvement of slum areas close to the center of the city.

In the early years of the 20th century, Robert Ezra Park, a newspaper writer who investigated the social conditions of Chicago's densely populated urban neighborhoods, was appointed as a faculty member in the Department of Sociology at the University of Chicago. Park's work examined how communities, especially those characterized by poverty, developed within the city of Chicago. Park, along with his colleague Ernest Burgess, proposed that Chicago tended to grow and expand in a pattern of concentric circles from the center of the city. They hypothesized that the city was similar to the natural ecological communities of plants in that plant life tends to grow outward from a point of initial vegetation. Park and Burgess also noted the development of "natural areas" where different immigrant and racial groups developed their own communities. Physical barriers (i.e., train tracks or bodies of water) formed some natural areas, whereas other natural areas were dominated by specific labor needs (i.e., factories). Furthermore, people invaded and dominated certain neighborhoods in search of work or suitable housing, which led the previous inhabitants to move away from the city's center. Clifford Shaw and Henry McKay later used these concepts of invasion, dominance, and succession within this framework to locate and determine characteristics of delinquency areas within the city of Chicago.

The theory of social disorganization, which places an emphasis on the geographical patterns of urban areas marked by high crime and delinquency and the structural components of such areas, has been regarded as a leading explanation of crime in the United States for more than 70 years. Although 19th-century European studies by Adolphe Quételet, Andre Michel Guerry, and Cesare Lombroso examined the geographic distribution of crime and delinquency, researchers who worked at the University of Chicago within the Chicago School tradition initially developed social disorganization theory. These sociologists studied urban crime and delinquency, utilizing the foundation laid by Park and Burgess in the city of Chicago during the 1920s and 1930s. Clifford Shaw and Henry McKay, the initial proponents of social disorganization theory, conducted intensive studies to locate areas of delinquency within the city of Chicago. Furthermore, they examined the environmental and social structures of these delinquency areas. Through their investigations, emerging patterns were delineated; areas prone to high rates of delinquency were characterized by ethnic heterogeneity, high residential mobility, dilapidated homes, weak informal social control, and a high number of residents classified as living at poverty level. In addition, high rates of delinquency could be found near the center of the city, and incidences of delinquency dissipated as the distance from the city's nucleus increased.

The first zone, located at—and directly around—the central point of the city, housed much of the business and industrial activity. Directly adjacent to the first zone was the zone of transition, characterized by dilapidated housing and the ever-present threat of invasion and domination by expanding commercial and industrial establishments. The proximity of this area to the city's established industry made it undesirable for living, causing property to be inexpensive and, therefore, attractive to

persons of low socioeconomic status. In Chicago, during the early 1900s, many poor migrants and immigrants settled within this second zone. Zone three was designated as the area in which workingmen resided. The fourth and fifth zones, known as the residential and commuters' zones, respectively, were populated with mostly White, middle- to upper-class persons.

As Chicago's population continued to grow, each zone continued to expand as well through the process of invasion, dominance, and succession. Sociologists at the University of Chicago, however, were not only interested in city development and growth; they were also concerned with locating areas of the city prone to delinquency and crime. Shaw and McKay, students of Park and Burgess, expanded the concentric zone theory by conducting studies in Chicago to determine in which zone male delinquency was most prevalent. Results of Shaw and McKay's investigations showed that male delinquency was concentrated within the zone of transition. This area was described in detail by Shaw and McKay as a community marked by an abundance of homes suffering physical decay, broken homes, a high rate of illegitimate births, and a heterogeneous population that was characterized by instability. A large majority of the residents were paid low wages and were undereducated. In addition to high rates of juvenile delinquency, this area experienced high rates of adult crime, drug addiction, alcoholism, prostitution, and mental illness. All of these indicators were interpreted as the result of social disorganization within the urban area. Thus, it was deduced that delinquency was caused by the processes operating within the disorganized social structure of communities close to the inner city. Examples of such processes include culture conflict and lack of informal social control. Regardless of the findings, it is important to examine the methods and analysis utilized by Shaw and McKay in order to fully comprehend the assumptions of the social disorganization theory.

Juvenile Delinquency in Urban Areas: The Studies of Shaw and McKay

Shaw and McKay were interested in utilizing the framework of urban growth developed at the University of Chicago to locate areas of male delinquent activity within the city of Chicago. Additionally, they sought to determine whether areas of high and low rates of delinquency maintained their respective rates over a period of many years. If certain areas depicted high delinquency rates through longitudinal inquiry, it could then be deduced that characteristics of the delinquent area, and not the individuals residing in the area, could be attributed as the cause of delinquent behavior.

Methodology

Since Shaw and McKay were trying to establish an accurate depiction of delinquency patterns, they chose to use official records for the purposes of analysis. Data utilized included alleged delinquents brought before the Juvenile Court on delinquency petitions, delinquents committed to residential correctional institutions, and alleged delinquents who came into contact with probation officers regardless of prior court appearance.

The three types of data were used to obtain a sample size large enough to be representative of the large population of Chicago. Moreover, Shaw and McKay supplemented their data analysis with several case histories obtained through interviews with selected offenders from high-delinquency areas.

Data were obtained for three 7-year increments: (1) 1900–1906, (2) 1917–1923, and (3) 1927–1933. This longitudinal analysis afforded the researchers an opportunity for a comparison of time periods and for analysis of long-term trends and processes that could not be possible if a cross-sectional research design was employed. The residence of each male delinquent was plotted on a map of Chicago, and emerging patterns indicated that delinquency tended to be concentrated in the zone of transition. This zone was marked by its proximity to industrial areas, low-rent housing, and areas of racial heterogeneity.

Correlation With Other Community Problems in Chicago

It is interesting to note that delinquency areas also experienced high levels of other activities indicative of a disorderly environment. The areas reporting high rates of delinquent activity also reported high rates of school truancy and young adult offenders. Additionally, rates of infant

mortality, tuberculosis, and mental disorder prevailed in delinquency areas. Shaw and McKay concluded that other problems highly correlated with rates of delinquency could be associated with neighborhood conditions.

Conclusions Drawn From the Chicago Studies

Shaw and McKay inferred that the prevalence of delinquency in certain areas, as well as the stability of these rates for a period of years, indicated a socially disorganized environment. This environment, in turn, led to the occurrence of delinquency and other community problems. The next step for Shaw and McKay was determining exactly what factors cause a socially disorganized environment.

A socially disorganized environment, it was concluded, had three main characteristics: (1) a high incidence of poverty, (2) racial heterogeneity, and (3) high rates of residential mobility. Residential areas located in the zone of transition consisted of dilapidated housing; industry threatened constant takeover. Poor, uneducated migrants and immigrants settled in this zone, where the ensuing ethnic heterogeneity caused culture conflict since different groups did not share the same norms and values. Furthermore, as immigrants and migrants moved in, the current residents fled to outlying areas of the city. High rates of residential mobility created conditions unfavorable to community cohesion because people were reluctant to interact with neighbors and become involved in community organizations if the social networks were to be short-lived. Also, community organizations were virtually nonexistent in disorganized neighborhoods.

The social disorganization fostered by such weak control and competing values in turn caused unconventional activity such as delinquency. Residents in areas classified as socially disorganized are incapable of settling on common values and solving common problems. It is also important to note that it was hypothesized that communities maintained their dynamic characteristics over a period of years, thus maintaining a stable ecological pattern. This was exemplified in the stable rates of high and low delinquency in respective areas, unheeding of the changes occurring within such areas.

The development of social disorganization theory appealed to criminological inquiry because it was one of the first macrosocial theories of crime. In other words, the theory was able to explain crime in terms of its relationship to social structures and social systems at large. Also, the theory emphasized that irregular social conditions, not abnormal individuals, were central in crime causation. This was important to many criminologists working during the early to mid-20th century, as sociology was beginning to influence the growing field of criminology, and much of this work traced its roots to the Chicago School.

As social disorganization theory gained recognition and began influencing other theories of crime, Shaw and McKay began several replication studies to validate their previous findings. The delinquency area studies were not limited to the city of Chicago. They also examined delinquency patterns in other cities in the United States: Philadelphia, Pennsylvania; Boston, Massachusetts; Cincinnati, Ohio; Cleveland, Ohio; Richmond, Virginia; and Birmingham, Alabama. Similar results to those found in Chicago were found in these cities, although several studies were limited to cross-sectional research designs.

Limitations and Modifications of Shaw and McKay's Social Disorganization Model

The tenets of Shaw and McKay's model, as well as the methodology employed, have not gone without criticism. Some scholars feel that the theory failed to explain exactly how characteristics of social disorganization caused amplified rates of delinquency. As stated earlier, Shaw and McKay postulated that conditions in the long-term processes of urbanization encouraged situations conducive to delinquency, yet due to the difficulty, time commitment, and extreme costs of longitudinal analyses, studies testing the theory were, and often still are, limited to cross-sectional research designs. Although the use of longitudinal methods was a considerable strength of Shaw and McKay's studies, questions have been raised regarding whether cities still operate under the same structure and processes as they did in the earlier part of the 20th century.

Another limitation of Shaw and McKay's model concerns their use of official court and police records. The sole use of official data still tends to be an invalid measure of crime and delinquency. The police and court records used by Shaw and McKay, as well as subsequent researchers, indicated only

cases of delinquent activity that were detected and processed by the criminal justice system. The detection of criminal activity may be the result of increased police surveillance in certain neighborhoods. Also, in areas of close proximity, such as the zone of transition, people may have more opportunities to detect suspicious behavior. As a result, more reports to the police may be made in socially disorganized neighborhoods. Hence, delinquent activity may not be more prevalent in socially disorganized areas, just detected by the community, reported to the police, and processed through the juvenile justice system more frequently than in other areas. Alternative measures of social disorganization that have been employed in recent years include victimization data and calls to the police. It has been argued that calls to the police reduce police biases; however, it is important to note that citizen and victim response is critical when using this measure.

Possibly the most debilitating criticism of early social disorganization models is the lack of attention paid to processes that intervene between the structural determinants of communities (such as racial heterogeneity, mobility, and poverty) and crime; thus, the variables that mediate between neighborhood structure and criminal behavior, as well as delinquency, have been neglected in social disorganization research. This is necessary in order to test the theory adequately. Early criticism in this vein cited the theory's lack of attention to the factors involved in the cultural transmission of delinquent and criminal values. A landmark study conducted by Sampson and Groves in the late 1980s attempted to directly measure neighborhood social disorganization. In this investigation, a neighborhood's organization was measured by examining friendship networks, social control of teenage delinquent activity, and the degree of participation in structured community activities. It was hypothesized that communities exhibiting the classic description of social disorganization (ethnic heterogeneity, low socioeconomic status, and residential mobility) would exhibit deteriorated social controls, a lack of friendship networks, and little participation in organizational activities. Using the British Crime Survey, Sampson and Groves were able to obtain self-report data on criminal offending, criminal victimization, and community activities for more than 200 British neighborhoods. The instrument consisted of measures to empirically test specific characteristics of both formal and informal neighborhood social organization. The data obtained were consistent with conclusions drawn by Shaw and McKay and other researchers utilizing the basic social disorganization model. Crime was higher in areas with a large number of unsupervised teens and areas lacking friendship networks and organizational participation.

Although the concepts and propositions of the early Chicago School theorists have been greatly modified, the legacy of the work continues today in contemporary social disorganization research. Some modifications have been strictly at the empirical level, as described previously, whereas other modifications have greatly restructured the focus of the theory and how it can explain contemporary urban crime and delinquency. In the late 1980s, William Julius Wilson proposed that the failed liberal policies of the mid-20th century have created an urban underclass that is marked by low residential mobility, racial homogeneity, and poverty. With the shift to a service economy and the flight of White and middle-class African American residents to suburban neighborhoods, African Americans of low-income status were left with few role models. The result was an emerging underclass that was unskilled, with few employment opportunities and family ties. In considering the structure of communities at the end of the 20th century, Wilson concluded that the organization of society was hindering the personal and professional advancement of African American residents of urban areas throughout the United States; thus, Wilson argued that the likelihood that African American residents of disadvantaged communities will engage in crime and delinquency is greater given the blocked opportunities in urban communities.

Courtney A. Waid

See also Code of the Streets; Ethnicity; European Americans; Social Disorganization Theory; "Truly Disadvantaged"

Further Readings

Bursik, R. J., Jr. (1986). Ecological stability and the dynamics of delinquency. In A. Reiss & M. Tonry (Eds.), *Communities and crime* (pp. 35–66). Chicago: University of Chicago Press.

Kornhauser, R. R. (1978). *Social sources of delinquency.* Chicago: University of Chicago Press.

Sampson, R. J., & Groves, W. B. (1989). Community structure and crime: Testing social-disorganization theory. *American Journal of Sociology, 94*(4), 774–802.

Shaw, C. R., & McKay, H. D. (1942). *Juvenile delinquency and urban areas.* Chicago: University of Chicago Press.

Warner, B. D., & Pierce, G. L. (1993). Reexamining social disorganization theory using calls to the police as a measure of crime. *Criminology, 31*(4), 493–517.

Wilson, W. J. (1987). *The truly disadvantaged: The inner city, the underclass, and public policy.* Chicago: University of Chicago Press.

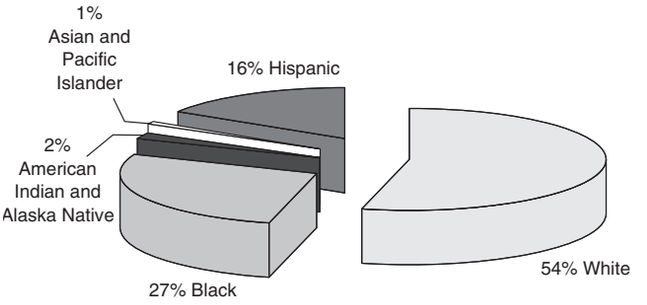


Figure 1 U.S. Foster Care Population by Race, 2001

Source: U.S. Department of Health and Human Services (2003).

Child Abuse

Child abuse is any conduct or failure to act by an adult resulting in sexual, physical, and emotional abuse and neglect of a child under the age of 18. *Race* is used to distinguish persons from others based on either physical characteristics or ethnicity. Each year, disproportionately high numbers of abused Black children are removed from their families and placed into the U.S. child welfare system. Overrepresentation exists when a racial group of children are represented in foster care at a higher rate than they are represented in the general population. For example, Black children constitute 27% of the U.S. foster care population (Figure 1), but 13% of the total U.S. child population (Figure 2). In contrast, White, American Indian, and Alaska Native children are underrepresented in foster care compared to their representation in the U.S. child population.

Differences in the relationships between race and child abuse occur in the substantiation of child abuse, placement in out-of-home care, length of stay in foster care, and reentry into foster care after attempts at family reunification by child protection agencies. Researchers have sought to identify, examine, and understand the issues related to race, child abuse, and child protection.

In the literature, explanations of child abuse are inconclusive regarding the incidences of child abuse and neglect by race. There is an ongoing debate about whether or not the disproportionality

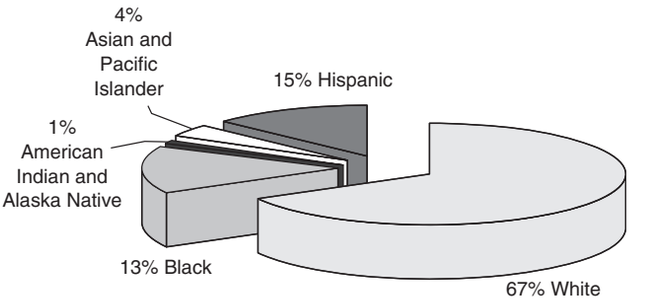


Figure 2 U.S. Child Population by Race, 2001

Source: U.S. Census Bureau (2001).

by race in foster care reflects racial differences in the incidence of risk factors associated with child abuse. These risk factors may include domestic violence, social isolation, alcohol and drug abuse, parental incarceration, and poverty. For example, studies have shown that the effect of poverty interacts with domestic violence and substance abuse, which can increase the likelihood of child abuse. Thus, if minority populations are disproportionately poor, a disproportionate number of minority children will enter foster care.

It is the responsibility of child protection agencies to ensure the protection and safety of children who are victims of abuse and neglect. Routinely, child protection agencies are criticized for being racist and biased toward minority children. As a result, child protection agencies, along with state and local leaders, have made racial equity a priority

in the best interest of families. Relatedly, inconsistency in the treatment of Black and other minority youth has prompted agencies and organizations to become more proactive by creating or improving cultural sensitivity and diversity training.

Although protecting children developed out of the efforts of religious and charitable groups, child protection services are the primary function of state governments. Historically, child welfare provisions were based upon English and patriarchal traditions. Both women and children were the property of their husband or father. This guaranteed the right of men to discipline their families any way they saw fit, inclusive of severe beating, as well as sexual and mental abuse of close relatives. During early colonial times, children were required to work in factories, workhouses, and apprenticeships under hazardous conditions as young as 5 years of age in order to support their families. It was not until 1874, with the case of Mary Ellen Wilson, the first child abuse case in America, that reformers began to recognize that children needed protection against abuse. This started the House of Refuge movement, a strict educational home, where children did not have to deal with harsh labor, poverty, or the corruption that came with city life. Conversely, this early form of child protection provision was exclusively for White abused children.

During this same period, Blacks were not represented or were underrepresented in the child welfare provision. Until 1865, the institution of slavery was the child protection provision for Black children. As a result, indenture and almshouses typically overlooked or denied Black children social services. Whites would never allow a dependent poor White child to receive less support than an enslaved Black child or immigrant. Therefore, the only options for Black and immigrant children were churches, social organizations, and schools advocating improvement of services on behalf of abused and neglected minority children. Black children as well as other minority racial groups continued to be treated as inferior and were underrepresented in child welfare provisions throughout the 20th century.

In 1935, the creation of Title IV-A of the Social Security Act established Aid to Dependent Children. States received federal funding to determine eligibility requirements and provide public assistance to needy families. Some states adopted arbitrary welfare clauses that increasingly denied assistance to Black families, which subsequently labeled their children neglected without follow-up services. These clauses forbade assistance to families with an unmarried man in the house, children of unwed mothers, and parental behaviors deemed immoral by state child welfare workers.

As a result, the Flemming Rule was established in 1961 to rectify this situation. It required states to provide services to make unsuitable homes suitable and remove children from homes while providing funding and services to the families on behalf of children. Unfortunately, these mandated services gave culturally insensitive foster care workers the excuse to remove abused and neglected Black children from their homes at alarming rates. Thus, for the first time child protection workers began to see abused and neglected minorities in their foster care caseloads.

The extent of incidents of child abuse and neglect among racial groups remain inconclusive, partly due to underreporting. The U.S. child welfare system continues to be involved by recognizing and addressing the problem of overrepresentation of minority children. Despite the fact that studies demonstrate that Black families are not more likely to abuse or neglect their children than are other racial groups, the complexities of child protection continue to challenge families, agencies, and organizations. Recently, efforts to address race and child abuse have resulted in legislative initiatives, class action lawsuits, training, technical assistance, better data, and media attention.

David A. Rembert and Howard Henderson

See also Child Savers; Ethnicity; Racism; Reformatories; Status Offenses; "Truly Disadvantaged"; Victimization, Youth

Further Readings

Billingsley, A., & Giovannoni, J. M. (1972). *Children of the storm: Black children and American child welfare.* New York: Harcourt Brace Jovanovich.

Roberts, D. (2002). *Shattered bonds: The color of child welfare.* New York: Basic Civitas Books.

U.S. Census Bureau. (2001). *Survey of income and program participation, 2001 panel, wave 2.* Washington, DC: U.S. Government Printing Office.

U.S. Department of Health and Human Services. (2003). *Administration on children, youth and families, child maltreatment 2001*. Washington, DC: U.S. Government Printing Office.

Children of Female Offenders

Race and sex have long been recognized as significant correlates of crime and criminality in U.S. society. In a similar vein, incarceration rates have served as a yardstick, albeit an imperfect one, for measuring changes in crime and criminality over time. As a result, scholars, criminal justice practitioners, and the media have focused much of their attention on the male offender, particularly the Black man who is grossly overrepresented in the U.S. prison population. Since the early 1980s, attention has turned toward a different group of offenders: women. During the past 2 decades, female incarceration rates have dramatically outpaced those of their male counterparts, thus opening up a new line of research as academicians, practitioners, and theorists alike attempt to explain the unprecedented rise in women's criminality. Only recently have these same scholars and practitioners shown an interest in, and concern about, the children of female offenders—the group that has been called the "collateral damage" associated with a burgeoning female prison population. This entry examines what is currently known about this highly specialized and rapidly growing group referred to as the "children of female offenders."

The Female Offender

Although female prisoners continue to represent a small percentage (approximately 7%) of all who are incarcerated, their numbers have increased dramatically since the 1980s. Researchers consistently document close to a fivefold increase in women's incarceration rates during the last 2 decades of the 20th century, with the numbers of female inmates rising from 11 per 100,000 in 1980 to more than 51 per 100,000 by the start of the new millennium. While male inmates continue to outnumber females, women's rates of incarceration rose at a pace twice that of their male counterparts during the time period identified. As with the general prison population, race becomes an important issue when considering the incarcerated female. Recent data indicate the incarceration rate for African American women is 8 times greater than that for White women, while Hispanics and Latinas face imprisonment at a rate nearly 4 times that of White females. The implications associated with these data affect not only the adults in question but also their children, as African American youth are nearly 9 times more likely than White children to have at least one incarcerated parent.

Although offenders of both sexes share many background characteristics, three distinct differences appear between the men and women behind bars. First, females tend to be incarcerated more often than men for property and nonviolent crimes, while men are more likely to commit violent offenses. Second, women prisoners are more likely than men to have experienced abuse, either physical or sexual, prior to their incarceration. Finally, women prisoners are much more likely than men to be responsible for family caregiving at the time of their incarceration, with data indicating two thirds of these females leave behind minor children (under the age of 18) at the time of their incarceration. Approximately 90% of men leave offspring in the care of the mother when entering prison, while only 23% of female offenders indicate the children's father assumed custody upon her incarceration. While many factors account for this difference, it is undoubtedly due in large part to the fact that women more often than men serve as single heads of households prior to their arrests. It is also the case that women often give birth while in prison, adding yet more children to the mix. Immediate child care and the future of these children are fast becoming issues of concern for both the mothers who find themselves behind bars and society at large.

The Children Left Behind

Researchers have only recently turned their attention to the plight of the children left behind when female offenders enter the prison environment. Much of what has been written to date represents inference—projections of what "will be"—based on past psychological and sociological research

focusing on issues of parent-child bonding, separation, and child development. In spite of this paucity of research, early findings suggest that children of female offenders share many common characteristics, experiences, and behavioral outcomes as a result of their mother's imprisonment.

Researchers have consistently documented a negative correlation between parental incarceration and children's well-being, with states reporting the highest incarceration rates also sharing increased rates of infant mortality, child abuse, and neglect, as well as juvenile arrests. Intuitively, it would seem that children raised in crime-oriented families would benefit from the removal of the offending parent. Contrary to this popular belief, little benefit is realized by the displaced children of incarcerated parents. Rather than mitigating family problems, parental imprisonment compounds the dysfunctions already present in the home.

When the offending mother goes to prison, the first issue to be addressed is that of providing a stable, nurturing environment for her children. As mothers face incarceration, many fear losing custody of their offspring, a concern that contributes to the caregiving decisions made at the time of the arrest. Here, too, differences appear according to race. Whereas White children are more likely to be placed with their father or in foster care following the mother's arrest, extended family members more often assume custody of non-White youth. Neither outcome is ideal.

When children are placed in a relative's care, it is often the case that they remain in the same physical environment and/or social milieu that contributed to the mother's offending behaviors in the first place. Approximately 60% of female offenders suffered abuse in the home prior to engaging in crime. The risk of the child suffering the same abuse leads some child welfare advocates to view placement with relatives as merely setting the stage for disaster. In addition, at least some theorists maintain family placement brings with it an added risk—the generational transmission of crime—as children are taught the same lessons of crime and deviance once learned by the mother.

The alternative to family care is state custody, resulting in either foster care or group home placement. Studies show foster placement to be more beneficial for the child than family placement, with research indicating children receive a higher quality of both material and emotional care in the former. Yet state custody is not without its problems.

When placed in state custody, children find themselves in unknown and unfamiliar environments. The abrupt changes and lack of familiar surroundings exacerbate feelings of separation and anxiety, thus compounding the psychological damage brought about by the mother's arrest.

Problems are also experienced by those children born in prison. When the female offender gives birth in prison, rarely is she given adequate time with her newborn to fully develop the parent-child bond necessary for optimal psychological and emotional development. Only a handful of prisons accommodate the new mother and her infant in a way that allows the time and contact necessary for this bonding to occur. Research is mixed on this issue, with some claiming the prison environment is, in and of itself, unhealthy and unsafe for newborns. Those who disagree cite evidence that mother-infant programs such as the one initiated at Bedford Hills, New York, contribute to the developmental well-being of the infant and reduce recidivism rates among female offenders.

The psychological problems experienced by the children of female offenders are often rooted in events occurring well before the mother's incarceration. Studies indicate many youth suffer from posttraumatic stress disorder (PTSD) as a result of being privy to the mother's crimes and/or witnessing her arrest. Child psychologists report many children suffer from a sense of abandonment, along with other, more classic, symptoms of PTSD that include depression, anxiety, and feelings of guilt and rage. Flashbacks are not uncommon long after the mother's arrest, nor are the experiences of hearing the mother's voice even though she is physically absent from the child's life. As with many individuals who suffer from PTSD, the children of female offenders are troubled for many years following the initial traumatizing event.

Although the findings are both tentative and sometimes contradictory in nature, research indicates children of both sexes experience psychological and behavioral problems following their mothers' incarceration. Separation from the maternal parent under any circumstances is a disruptive event for the child, one that interferes with individual and social development. This is especially true for the child whose mother is arrested and placed behind bars.

Children of incarcerated mothers tend to display difficulty in mastering what are considered to be "normal" developmental tasks. As they mature, they exhibit school-related difficulties, increased aggression and emotional dysfunction, lowered self-esteem, and diminished emotional functioning. Research conducted in 1999 by Hagan and Dinovitzer examined the children of incarcerated mothers. Forty percent of the males ages 12 to 17 included in this study were identified as delinquent, with a teen pregnancy rate of 60% reported among the adolescent females. Additional findings led the authors to conclude that children of incarcerated parents may, themselves, be 6 times more likely than the general youth population to face incarceration at some point in their lives.

Not all researchers agree with these conclusions. A 2004 study conducted by Lawrence-Wills examined delinquency and antisocial behavior among adolescent daughters of incarcerated mothers. Using self-reported survey data from 101 incarcerated women, Lawrence-Wills tested four hypotheses related to the mother–daughter relationship and mother–child supervision to examine their effects on daughters' behaviors. No significant effect of mother's incarceration on daughter's behavior was found; the daughters included in this study were reported to have low levels of both delinquent and antisocial behaviors. In response to admitted study limitations, including lack of input from daughters and reliance upon mothers' perceptions, Lawrence-Wills suggests two possible conclusions. First, it is possible that female offenders promote prosocial behaviors in their daughters, as do many in the noncriminal population. Second, it may be the case that daughters use their mothers' experiences as a deterrent, thus making the conscious decision to avoid crime and criminality.

To date, few studies have examined the children of female offenders. Even fewer policies and programs are in place to address the specialized needs of this unique population. This is undoubtedly due, in large part, to the fact that the mothers themselves have only recently garnered the attention of scholars and practitioners. As women's incarceration rates continue to rise and more youth are identified as the children of female offenders, future research will be necessary in order to bring forth a comprehensive, theoretically driven understanding of these youth.

The Future of Research

Criminologists offer a plethora of explanations for criminality. Explanatory factors vary according to each theorist's training, personal ontology, and theoretical grounding. Some rely on poverty and inequality to explain criminal behavior. Others turn to factors such as learning, social support, the environment, labeling, or control. When considering the children of female offenders, the limited findings reported to date suggest all these factors may be salient in the lives of children raised by an offending mother. While the findings from this early research offer some contradictions, most suggest life with an offending mother results in negative, perhaps even deleterious, consequences for the offspring. All agree on the need for an enhanced understanding of this unique group. This requires additional research.

Future research will undoubtedly, and must, integrate the work of many fields and many researchers. Within the field of criminology, both structural and individual explanations for crime and criminality abound. Research conducted to date clearly suggests the children of female offenders are, at the very least, *at risk* for becoming criminal; criminological explanations may help in understanding that aspect of their lives. A thorough understanding of these youth, their experiences, and their needs will require researchers to move beyond that narrow perspective. Veracity and comprehensiveness will be achieved through the collaboration of numerous professionals representing varied disciplines. Already we have witnessed the work of professionals from the fields of criminal justice, psychology, sociology, and social work. Each has added something to the overall, albeit limited and fragmented, understanding of these youth. The next wave of research must move beyond the colored lens of one discipline and work toward a more complete understanding of these children if we are to improve their lives via social policies and programs designed to address the totality of who they are and what they need.

Martha L. Shockey-Eckles

See also Delinquency Prevention; Family and Delinquency

Further Readings

Bruns, D. A. (2006). Promoting mother-child relationships for incarcerated women and their children. *Infants & Young Children, 19*(4), 308–322.

Crawford, J. (2003, June). Alternative sentencing necessary for female inmates with children. *Corrections Today, 65*(3), 8–11.

Gonnerman, J. (2004). *Life on the outside: The prison odyssey of Elaine Bartlett*. New York: Farrar, Straus & Giroux.

Hagan, J., & Dinovitzer, R. (1999). Collateral consequences and imprisonment for children, communities, and prisoners. In M. Tonry & J. Petersilia (Eds.), *Prisons: Crime and justice* (pp. 125–147). Chicago: University of Chicago Press.

Lawrence-Wills, S. (2004). Incarcerated mothers' reports of their daughters' antisocial behaviors, maternal supervision, and mother-daughter relationship. *Journal of Family Social Work, 8*(3), 55–73.

Loper, A. B. (2005, February). How do mothers in prison differ from non-mothers? *Journal of Child and Family Studies, 15*(1), 83–95.

Poehlmann, J. (2005, December). Children's family environments and intellectual outcomes during maternal incarceration. *Journal of Marriage and Family, 67,* 1275–1285.

Sharp, S. F., & Erikson, M. E. (2003). Imprisoned mothers and their children. In B. H. Zaitzow & J. Thomas (Eds.), *Women in prison: Gender and social control* (pp. 119–136). Boulder, CO: Lynne Rienner.

Zaitzow, B. H. (2003). "Doing gender" in a women's prison. In B. H. Zaitzow & J. Thomas (Eds.), *Women in prison: Gender and social control* (pp. 21–38). Boulder, CO: Lynne Rienner.

Child Savers

Social movements during the 19th and 20th centuries led to the establishment and development of autonomous juvenile justice systems and other child welfare reform in the United States and elsewhere. These movements, led by civic actors who would come to be called "child savers," resulted in numerous reforms and institutions that collectively extended greater state authority over families and youth, on the premise of rescuing or protecting young people from "deviant" socialization and thus, by extension, regulating societal development. These were especially pressing concerns in 19th- and early-20th-century United States, where industrialization, rapid urbanization, emancipation and reconstruction, mass immigration, and internal migrations, among other developments, were reconfiguring the face of the nation.

To a significant extent, "child saving" was conceived and carried out as a nation-building movement, focused on the tributaries of child welfare, socialization into adulthood, and ultimately civil society. The child saving movement actually involved numerous civic actors, drawing upon as many inspirations, and should therefore be understood as a reference to several, and in some ways, competing civic initiatives. These reformers had much in common, such as their shared interests in addressing what came to be called "delinquency" and "dependency," their belief in the rehabilitative potential youth, and tendencies to attribute problems in young people's lives to family dysfunction, urbanization, faith, and other factors. However, child savers also varied significantly in their social identities, outlooks, and interests and developed movements that were often quite distinct and at times at odds with each other, as initiatives expressing the aspirations of a nation divided.

This entry provides a brief review of scholarship on the historical development of juvenile justice, focusing on the common accounts of who were these reformers, what motivated them, and how we should understand their historic significance. After highlighting several major arguments and limitations of the existing research literature, the review considers emerging research on child saving in the Black American experience, a movement that challenges and expands our perspective on the protagonists, their agendas, and the significance of child saving initiatives in U.S. history.

The Child Saving Movement: Critical Perspectives and Reconsiderations

What scholarship later termed "child saving" in American criminal justice seems to have gotten underway around 1819, when the 2-year-old New York Society for the Prevention of Pauperism launched a companion Society for the Reformation of Juvenile Delinquents. Six years later, the groups opened the New York House of Refuge, the first institution expressly geared to serve the young

among those accused and condemned of crime, delinquency, and dependency. This distinct system of juvenile justice, many promised and believed, signaled an enlightened strategy of juvenile social control—a more modern, scientific, and liberal democratic approach to the regulation of young deviants and dependents, and by extension their families, communities, and, most important, civil society itself. The economy, polity, culture, and more were at stake in what came of troubled youth. With this rallying cry, a series of favorable court rulings and the passage of legislation, the movement by 1900 yielded a proliferation of juvenile "rehabilitative" strategies and institutions promising delinquency and dependency services and the development of the first juvenile court. By 1927, there were juvenile courts in all but a few states, and juvenile justice was clearly established as a distinct national strategy and institution of social control.

The term *child savers* was never apparently used by these reformers but was coined in a still influential early study of the movement to establish specialized courts for youth, and what is now commonly known as the juvenile justice system. In *The Child Savers: The Invention of Juvenile Delinquency* (1969, 1977), Anthony Platt studies the development of the juvenile court in Progressive-era Chicago, one of the first "specialized courts" of the sort in the United States, and what leading advocates and their efforts reveal of the culture, politics, and history of juvenile justice reform. Several studies have since reconsidered Platt's analysis and otherwise delved further into the history of American juvenile justice, albeit along generally similar lines of inquiry.

Existing research on child saving focuses on the identities, status characteristics, social networks, and experiences of the primarily women leaders and their reflection in the work to develop the juvenile court. By most published accounts, the child saving movement was led by prominent White moral entrepreneurs and civic leaders, who along with their allies and through particular social networks drew on the growing ranks of White middle-class counterparts in American cities at the turn of the century to transform the approach to juvenile social control. The prototypical child saver was a White woman not only tied to influential men (i.e., fathers and husbands), but fast becoming detached from a restrictive and sexist culture of domesticity in her own right, gaining new access to influence within the public sphere. While genuinely interested in improving the lives of poor youth and families in emerging cities, some argue, these reformers also seized opportunity to bolster their own social status and advance their political interests through this limited but unprecedented access to the professions, philanthropy, and civic leadership. Platt and others point out that child saving was a measured break from existing boundaries of access and influence, only moderately departing from gendered social roles, including notions of child-raising responsibility. Through the child saving movement and invention of juvenile justice, women could rise to new ranks of authority and influence, albeit within an institution defined in theory and law as the "parental state," whose role and promise President Theodore Roosevelt once characterized as "manufacturing citizens." With these grand ambitions and agendas, child saving work gave birth to juvenile justice systems, through which women gained new entrée to government circles, professional roles, and philanthropic realms long dominated by men, yet with familiar duties in the delivery and rearing of yet another brood, this time defined as "embryonic citizens."

On a rapidly changing social landscape, especially in growing northern and eastern seacoast cities, but also throughout the South, as we shall see, child savers responded to what they saw as a number of old and new American problems—involving poverty, morality, education, health, public safety, and inequality—and attempting to fashion solutions. These problems were thought to be exacerbated or threatened by all sorts of factors, including rapid urbanization and industrialization, the breakdown of the nuclear family, mass immigration of poor European ethnic minorities to emerging cities, and racial oppression and domination. In theory, the juvenile court and its services would facilitate removal of youth from these "unhealthful" home environments, neighborhoods, and other situations. Moreover, many maintained, intelligent use of "rehabilitative" institutions and various and sundry programming furnished a means of installing the moral codes, skills, habits, character, and discipline alleged to be missing, and required for, lives of labor, domesticity, industriousness, and perhaps prosperity upon return to society.

In many accounts, these child savers are characterized less as compassionate or progressive agents of change than as coercive agents of control who imposed their own norms and interests upon the marginal and powerless among them. Noting the overrepresentation of first-generation European ethnic minorities among those classified as delinquent, for example, Platt and others have suggested that child saving involved the selective regulation of immigrant families and their children, to facilitate their forced acculturation and thus integration into the American economy, culture, and polity on someone else's terms. Thus, Platt says child savers "invented" the concept of delinquency to cast a net of "social control" over another class of people and their children, whose development they sought to influence, especially for economic reasons. The motive was not only to create socioeconomic opportunity for themselves, Platt and others have argued, but to socialize the obedient laboring class required of a rapidly growing manufacturing economy.

Other critical histories of child saving develop somewhat different "control" theses, stressing the moralizing elements of these reforms. For example, several authors note the religious agendas of the largely Protestant child savers, noting the prominence of religious instruction in early juvenile institutions, under auspices of rehabilitation. Others stress the gender politics of child saving initiatives, stressing the intense surveillance and disparate standards of "policing" young women's and girls' bodies and souls, which was often rationalized by the expectation of their future domestic role (i.e., to make healthful homes). Finally, more recent work has looked more closely at the institutions and organizational networks that took shape through child saving initiatives, drawing attention to the bureaucratic, legal, and political challenges these reformers and reforms faced. These and other studies challenge and complement earlier research on the child savers, uncovering more of the motivations, strategies, constraints, and opportunities bound up in the history and legacy of the child saving movement.

There still remains a need for further research on this movement's origins, organization, and significance. Revisionist histories have been criticized for simplifying the organizational complexity of civil society and the logics and systems of punishment and social control that form amid these dynamic and contested relations. The main problem with the revisionist literature on American criminal and juvenile justice, critics seem to agree, is its failure to capture the full range of social forces shaping the idea and practice of social control. Control, they argue, is too often reduced to a rational or functional scenario of typically class-based domination administered by the penal state. These accounts neglect not only how other dynamics of conflict, and politics of difference, influence the organization of social control but also the ways in which "control" may be co-opted by nonstate actors, even in ways that suggest a communitarian outlook on the development of social control. In fact, as we shall see in the discussion of the Black child saving movement, the child saving movement has always included elements of group conflict and cooperation.

There has been especially limited attention to the racial and ethnic diversity of child saving operatives and their initiatives and what this reveals of the liberal democratic politics of the child saving movement, more generally. Emerging research on the Black child saving movement is beginning to fill that void.

The Black Child Savers

Numerous 19th- and 20th-century factors brought juvenile justice reform to the early and lasting attention of generations of Black civic actors traveling the long path of the Black freedom movement. Generally, of course, the end of Reconstruction and rise of Jim Crow brought dramatic reversals in the civil rights, and civic prospects, of Black Americans in the U.S. South and throughout the United States. This retraction of democratic freedoms ironically coincided with such Progressive era reforms as the establishment of the juvenile court, and the denial of Black access to opportunity and influence in modern juvenile justice did not go uncontested. From its beginning around 1898, and long thereafter, the movement introduced important changes in the understanding of racial stratification within juvenile justice, and in the very race relations of juvenile justice systems.

Few freedoms have been more valued by Black or other Americans than access to education and equal protection under law, and juvenile justice

was an idea and institution embodying both. In its attention to moral, vocational, and other areas of child and youth development, and general identification as a "citizen-building" endeavor, the modern idea and practice of juvenile justice signified much of what freedom seemingly offered, and required, especially for a subpopulation striving to break the chains of generational, intentional, human, and community underdevelopment. Yet, assaults on Black character (i.e., morality and intelligence) and denials of equal citizenship, which grew rampant in the Progressive era, essentially disqualified Black Americans in what first emerged as a White citizen- and state-building institution, not only marginalizing Black children in child welfare endeavors, but excluding Black communities from participating in the development and administration of juvenile justice. Black youth, families, and communities found early juvenile court services closed to them, especially in the rigidly segregated South, but also in the North and West, where Black youth enjoyed relatively greater access to often inferior and segregated juvenile justice resources, and Black adults were as likely to be denied any authority in the court community.

Fundamentally, then, Black child saving was a contemporaneous oppositional movement, a counter to what was developing, explicitly and implicitly, as a White child saving movement and juvenile justice system, organized in the image of, and to advance, a White-dominated liberal democracy.

Framing Black child welfare and Black liberation as inseparable social causes, the Black child saving movement gradually co-opted, and eventually succeeded in transforming, institutions of juvenile social control by struggling for Black youth *and* adult inclusion.

The Black child saving movement proceeded in two somewhat distinct phases. An initial phase involved reformers working primarily under the auspices of local, state, and regional Black women's civic associations, affiliates of the National Council of Colored Women's Clubs, which as its first national meeting in 1898 established juvenile justice reform as a leading item on the agenda. These women leaders leveraged their social networks to establish largely voluntary, self-help initiatives, and particularly modest reformatories across the South, lobbying White government and court officials to support and make use of these institutions, with generally mixed results. By World War I, these self-help strategies were giving way to a more confrontational and integrationist agenda, driven by pressure group politics and employing the new skill sets and networks of a growing Black professional class, and civil rights establishment. While self-help initiatives continued, Black child savers increasingly shifted to protest in the streets, courts, and halls of government, demanding equal youth and community access to opportunity and influence in the arms of the parental state.

Change came gradually, and haltingly, as the Black child saving movement stretched into the mid-20th century. By the 1940s, many southern states had begun to make greater provision for court-involved Black youth; several northern states had formally integrated their juvenile institutions (though segregation persisted); and it was becoming more common to find Black decision makers in juvenile courts, albeit limited to the role of probation and supervising Black youth. These changes were especially common in the various destinations of the great Black migration from the South to the cities north, east, and west, where growing Black communities, problems of Black delinquency, and demands for equal rights compelled juvenile courts to act. The most important legal victory of the Black child saving movement came in the decision of *Brown v. Board of Education,* declaring segregation inherently unequal. National Association for the Advancement of Colored People (NAACP) lawyers would later use *Brown* to force the desegregation of juvenile court communities.

Ironically, and rather tragically, the disproportionate confinement of Black youth in juvenile institutions today would not exist but for the achievements of the Black child saving movement; it is important to note, however, that Black child savers were not interested in the equal proportional representation of Black youth in institutions, but securing youth and community access to citizen-building ambitions and by extension the American dream. Its many limits, failures, and ironies notwithstanding, the Black child saving movement was effective in reconfiguring prevailing "color lines" of juvenile social control, not by making race insignificant, but by pushing Black youth and community stakeholders into child welfare networks of juvenile social control, uplifting the deliberative racial democracy of American juvenile justice.

In closing, there is a long history of research on child saving initiatives, and much of this research

constitutes the best historiography in American criminology and justice studies. However, there is still much that is misunderstood and unknown about the child saving movement. Child savers have often been characterized as powerful and coercive agents of control, imposing social norms, authority, and discipline upon the marginal and powerless among them, but new research is revealing many other streams of civic engagement, ambition, and influence that defy reduction to any particular logic and illustrate that progressive politics also informed juvenile justice reform efforts. What is clear is that child saving brought various social actors into a protracted democratic experiment, where they worked in cooperation with some, and struggled against others, to build their more "ideal" nation through juvenile social control. Further research is still needed to fully grasp the complex and varied sociological origins, organization, politics, and historical significance of the "child savers" and their movements. If the Black child savers are any indication, the more this research incorporates the neglected voices of "other" Americans, and their American dreams, the more it will likely discover and usefully reveal about the true history, and present significance, of this fascinating and transformative movement.

Geoff Ward

See also Delinquency Prevention; Family and Delinquency; Houses of Refuge; Reformatories

Further Readings

Bailey, V. (1987). *Delinquency and citizenship: Reclaiming the young offender, 1914–1948*. New York: Oxford University Press.

Billingsley, A., & Giovannoni, J. (1972). *Children of the storm: Black children and American child welfare*. New York: Harcourt.

Odem, M. (1995). *Delinquent daughters: Protecting and policing adolescent female sexuality in the United States, 1885–1920*. Chapel Hill: University of North Carolina Press.

Platt, A. (1969). *The child savers: The invention of delinquency*. Chicago: University of Chicago Press.

Schlossman, S. (1977). *Love and the American delinquent*. Chicago: University of Chicago Press.

Tanenhaus, D. (2005). *Juvenile justice in the making*. New York: Oxford University Press.

Chinese Exclusion Act

The Immigration Act of 1882, popularly known as the Chinese Exclusion Act, was the first major and the only federal legislation that banned immigrants explicitly based on a specific nationality. It represented one of the darkest moments in the history of U.S. race policy, set the precedent for later restriction against immigration of other races and nationalities, and started a new era in which the country became a gate-keeping nation.

The Act

The Chinese Exclusion Act was passed by Congress and signed by President Chester A. Arthur in 1882. The act lasted for 10 years and was extended for another 10 years by the 1892 Geary Act. The basic exclusion law prohibited Chinese laborers, who were defined excludable as "both skilled and unskilled laborers and Chinese employed in mining" (Chinese Exclusion Act), from entering the United States; subsequent amendments to the law prevented Chinese laborers who left the United States from returning. Later measures limited the access of the Chinese to bail bonds, required that they carry identification certificates or face deportation, and restricted the categories of persons who could enter to teachers, students, diplomats, and tourists. In 1902, Congress closed the gate to Chinese immigrants entirely by making the Geary Act extension permanent.

The Chinese Exclusion Act was repealed in 1943 with the passage of the Magnuson Act, which permitted a quota of 105 Chinese immigrants annually. Various factors contributed to the repeal, such as the quieted anti-Chinese sentiment, the establishment of quota systems for immigrants of other nationalities who had rapidly increased in the United States, and the political consideration that the United States and China were allies in World War II.

Causes and Effects

Many scholars explain the exclusion laws as a product of the widespread anti-Chinese movement in California in the second half of the 19th century. The Chinese had constituted a significant minority on the West Coast since the mid-19th century. Initially, they labored in the gold mines, where they

were more adept than White American miners at finding gold. As a result, the Chinese encountered hostility and were gradually forced to leave the field and move to urban areas such as San Francisco, where they continued to perform some of the dirtiest and hardest work. Americans in the West persisted in their stereotyping the Chinese as degraded, exotic, dangerous, and, outrageously, competitors of jobs and wages. California Senator John F. Miller, who introduced the bill to bar Chinese immigrants, argued that the Chinese workers were "machine-like… of obtuse nerve, but little affected by heat or cold, wiry, sinewy, with muscles of iron." Therefore, restricting the influx of Chinese into the United States through federal legislation became one of the goals of organized labor in the West. In other words, the exclusion was the result of a grassroots anti-Chinese sentiment. Other scholars argued that the exclusion should be blamed by top-down politics rather than bottom-up movement, explaining that national politicians manipulated the White workers to gain electoral advantage. Still others adopted a "national racism thesis" that focused on anti-Chinese racism in early American national culture.

The exclusion laws had dramatic impacts on Chinese immigrants and communities. They significantly decreased the number of Chinese immigrants into the United States and forbade those who left to return. According to the census in 1880, there were 105,465 Chinese in the United States, compared to 89,863 by 1900 and 61,639 by 1920. Immigrants were placed under a tremendous amount of government scrutiny and were often unfairly excluded from the country. In 1910, the Angel Island Immigration Station was established, where upon arrival a Chinese immigrant could be detained from weeks to years before being granted or denied entry. Chinese communities underwent dramatic changes too. Families were forced apart and businesses were closed down. There emerged a largely bachelor society that lacked the capacity to reproduce due to the severe restrictions on female immigrants and the pattern of young men migrating alone. Under the continuing anti-Chinese pressure, Chinatowns were established in urban cities where the Chinese could retreat into their own cultural and social colonies.

The excluded Chinese, however, did not passively accept these laws and unfair treatments but rather used all types of tools to challenge these laws or to circumvent these laws. One such tool was the U.S. judicial system. Despite coming from a nation without a litigious tradition, Chinese immigrants learned quickly to use courts as a venue to fight for their rights and won many cases in which ordinances that aimed against the Chinese were declared unconstitutional by either the state or federal courts. They also protested against racial discrimination through other venues, such as the media and petition.

Some Chinese simply evaded the laws altogether by illegal immigration. In fact, illegal immigration became one of the most significant consequences of the Chinese exclusion era. Despite the disproportionate time and resources spent by U.S. immigration officials to control Chinese immigration, many Chinese migrated across the borders from Canada and Mexico or used fraudulent identities to enter the nation. The "paper son" system was a common strategy, through which young Chinese males attempted to enter the United States on identity papers that claimed they were sons of U.S. citizens but that had in fact been bought for them. Thus, the Chinese exclusion is not only an institution that produced and reinforced a system of racial hierarchy in immigration law, but also a process that both immigration officials and immigrants shaped and a site of power dominance, struggle, and resistance.

The impact of the exclusion laws went beyond restricting, marginalizing, and, ironically, activating the Chinese. For the first time in its history, the United States changed its open immigration policy and started exerting federal control over immigrants and gradually setting criteria in terms of race, gender, and class to determine who could be admitted into this country. Immigration patterns, immigration communities, and racial identities and categories were significantly affected. The very definition of what it meant to be an "American" became more exclusionary. Meanwhile, Chinese exclusion practices shaped immigration law during that time period. Believing that courts gave too much advantage to the immigrants, the government succeeded in cutting off Chinese access to the courts and gradually transferred administration of Chinese exclusion laws completely to the Bureau of Immigration, an agency operating free from court scrutiny. By 1910, the enforcement of the exclusion laws had become centralized, systematic, and bureaucratic.

Yuning Wu

See also Deportation; Immigration Legislation; Japanese Internment; Race Relations

Further Readings

Chan, S. (Ed.). (1991). *Entry denied: Exclusion and the Chinese community in America, 1882–1947.* Philadelphia: Temple University Press.

Gyory, A. (1998). *Closing the gate: Race, politics, and the Chinese Exclusion Act.* Chapel Hill: University of North Carolina Press.

McClain, C. (1994). *In search of equality: The Chinese struggle against discrimination in nineteenth-century America.* Berkeley: University of California Press.

Salyer, L. (1995). *Laws harsh as tiger: Chinese immigrants and the shaping of modern immigration law.* Chapel Hill: University of North Carolina Press.

Christopher Commission

The Independent Commission on the Los Angeles Police Department, informally named the Christopher Commission after its chair, Warren Christopher, was a panel charged by Los Angeles Mayor Tom Bradley to give a comprehensive report on the use of excessive force by members of the Los Angeles Police Department (LAPD) during police–citizen encounters. The commission was formed in response to the beating of Rodney King on March 3, 1991. King was brutally beaten by four members of the LAPD who had stopped him after he led them on a high-speed chase. Three of the officers were charged with excessive use of police force, and a fourth was charged with failure to prevent the assault; all were acquitted. This entry examines the context and purpose of the Christopher Commission, its findings, and the subsequent response.

The race of the LAPD officers and King and his passengers played a significant role in the post–vehicle pursuit incident. The four police officers who were directly involved in the brutal beating of King were White; King and his two passengers were African American. At the time of the incident, questions were raised about the harsh treatment that racial and ethnic minorities received from LAPD officers. Also, it was thought that African Americans and Latinos were treated much more harshly than other racial/ethnic groups in their encounters with police officers. Many critics believe that the prevalence of such practices (and the underlying attitudes) partly explain why none of the other LAPD officers present attempted to prevent or minimize the harsh treatment of King and his passengers.

King and his passengers, Bryant Allen and Freddie Helms, were ordered to get out of the car at the conclusion of the pursuit. At first, King refused to comply with the order, but Allen and Helms immediately got out of the car and followed the officers' orders to lie flat on the ground in the "prone-out" position. They were handcuffed and ordered to keep their heads on the ground. Helms indicated that when he lifted his head to get it out of the dirt, he was kicked in the side of the head and hit with a baton until his head was bleeding. Allen stated that he was kicked several times when he lifted his head to see why King was screaming. After King's beating, the officers handcuffed him, and they pulled Allen and Helms to their feet. They took Allen and Helms to one of the California Highway Patrol (CHP) squad cars and checked their identification; when it was verified by computer the two of them were released at the scene.

In its July 1991 report, the Christopher Commission reported that they had found a culture of racial bias and intolerance among a large percentage of LAPD officers. That perceived culture of racial intolerance makes the study of the Christopher Commission of significant relevance to the study of issues associated with race and crime. The Christopher Commission was given the responsibility of investigating and making recommendations about the specific operating structure of the LAPD. In his charge to the commission, Mayor Bradley made it clear that their work would not entail examining individual complaints against the LAPD. Instead they were to investigate the level of responsiveness and accountability of the LAPD to community concerns and to provide a better understanding of what impact, if any, LAPD practices may have on the investigation and prosecution of alleged use of excessive force and other related departmental procedural issues.

Christopher, the commission's chair, was a former deputy attorney general of the United States and secretary of state in the Clinton administration. Other members of the commission included John Arguellas, the vice chair and a retired Justice of the

Supreme Court of California, and other prominent members of the business and legal professions.

Need for the Christopher Commission

The Christopher Commission was created in response to the brutal beating of Rodney King. The behavior of the LAPD and other public safety officers called into question police use of force, in general, and particularly the excessive use of force against racial and ethnic minorities. The public observed behavior displayed by the LAPD in that incident that did not instill a great deal of confidence in the ability of law enforcement officers to treat criminal suspects with dignity and respect.

What the public saw was that Rodney King was brutally beaten by three LAPD officers in the presence of a White LAPD sergeant of supervisory rank and representatives from other California law enforcement agencies who were a racially and ethnically diverse group of police officers. All of these law enforcement officers stood by and did nothing to prevent the continued beating of Rodney King. Therefore, it was not only the actions of the three White officers who directly participated in the beating, but also the inaction of the bystanding officers that caused a public outcry. Rodney King's race and the race/ethnicity of the police officers who battered him were closely examined by the commission in an attempt to determine if they were the primary precipitating factors in the incident. In the next section, the race and ethnicity of the police officers and of Rodney King and his companions are scrutinized a bit more closely to determine their role in what happened on that night in March 1991.

The Commission's Examination of the Relevance of Race

The Christopher Commission found evidence that race did matter when considering how the LAPD responded to various segments of the community. Citizens who testified before the commission stated that African Americans and Latinos were consistently treated in a disrespectful manner; they were harassed and police dogs were used more frequently in their neighborhoods than in White neighborhoods. The commission investigated these issues extensively and found that a great deal of the testimony could be corroborated. In their investigation, the commission found that the South and Central LAPD bureaus used police canine units for more searches and apprehension of suspects and had a large percentage of criminal suspects who were bitten by the dogs. Upon closer examination, it was found that the South and Central Police bureaus provided law enforcement assistance to neighborhoods that were predominantly African American and Latino. Throughout the LAPD, police dogs were used to threaten and intimidate suspects. But, in most instances, the race of the suspect was a key factor in requesting that a police dog be sent to the scene of an investigation. There were also minority citizens who testified before the commission that they were frequently treated with disrespect and verbally abused on a regular basis by LAPD officers. Numerous minority citizens reported a particularly degrading way that they were treated, many times during informal contacts with police officers.

According to the Commission Report, the citizens found it very demeaning when they were ordered into the "prone-out" position. The prone-out position was described as a control technique used by LAPD officers, where they order the person to lie flat on the ground on their stomach, with their arms stretched out to the side. The commission reported that they received numerous accounts from African American and Latino males indicating that they were ordered into the prone-out position after being stopped for minor traffic violations. What the commission found was that African American or Latino males had a greater chance of being a victim of excessive use of force by police than any other group of people living in Los Angeles at that time.

The Post–Christopher Commission LAPD

The Christopher Commission made several recommendations, but none of them as crucial as the one about excessive use of force. A major finding in the Commission Report was that LAPD officers consistently used excessive force against members of the public, in direct violation of the department's written policy on the use of force. Therefore, the commission stated that the problem of excessive use of force was directly related to poor management and oversight of subordinates. The officers had no fear of punishment or disciplinary action

from their direct supervisors. The report went further and stated that citizen trust and confidence in the LAPD could not be restored until management moved beyond making excuses for bad police officer behavior and began terminating those who consistently used excessive force and abused their position of authority in police–citizen encounters.

Another significant recommendation by the commission was that the problem of excessive use of force was deeply intermixed with racial and ethnic discrimination against the very people that the police agency was supposed to protect and serve. It was found that the officer's transmitted radio communications were full of racial prejudice and hatred. These messages were transmitted in violation of the LAPD policy against such messages and they were conveyed without any concern about possible punishment. It was evident that police supervisors either did not monitor the communications or were active participants. Relative to this problem, the commission recommended that the LAPD chief take an active leadership role in creating and disseminating policy that makes it clear that racial and ethnic discrimination, internal and external to the department, would not only not be tolerated but would be severely punished.

Human Rights Watch conducted an investigation of the commission's finding in 1997, a full 6 years after the final report was submitted to the Los Angeles mayor, and found that many of the most critical recommendations had not been fully implemented. On the issue of officer use of excessive force, especially against minority citizens, they found limited improvements. According to Human Rights Watch, the LAPD still lacked a comprehensive system designed to effectively manage officer use of force.

Progress on implementing many of the pivotal Christopher Commission recommendations was slow and in some instances nonexistent. Such slow progress caused community and government officials to question Los Angeles's commitment to righting the wrongs detailed in the Commission Report. As the Rodney King and similar types of abusive incidents faded into the past, the desire for quick action that was specified in the commission's recommendations also faded and was not a high priority for a new mayor and new police chief.

Benjamin S. Wright

See also King, Rodney; Police Accountability; Police Use of Force

Further Readings

Gates, D. F., & Shah, D. (1992). *Chief: My life in the LAPD*. New York: Bantam.

Human Rights Watch. (1998). *Shielded from justice: Police brutality and accountability in the United States*. New York: Human Rights Watch.

Williams, W. L., & Henderson, B. (1996). *Taking back our streets: Fighting crime in America*. New York: Scribner.

CIA Drug Scandal

During the cold war, the Central Intelligence Agency (CIA) cooperated with drug traffickers who assisted the United States in military and covert operations against Communist-aligned insurgents and governments around the world. This alliance with drug criminals immunized traffickers from law enforcement investigation and prosecution and contributed to the contraband that was imported into the United States, with devastating consequences for minority communities.

CIA complicity in the global drug trade seems to have begun in the 1950s, when the agency collaborated with Corsican criminal syndicates in Marseilles, France, to curtail Communist influence on the city's docks at a time when the Corsicans were becoming the United States' leading supplier of heroin. During that decade, the CIA also supplied anti-Communist forces in Burma with arms and air logistics that they used to build a burgeoning trade in opium.

One of the most well known cases of CIA complicity occurred during the Vietnam War when the agency enlisted the support of General Vang Pao, the leader of an army of Hmong tribesmen in Laos whose primary cash crop was opium. Vang Pao operated a laboratory for the conversion of opium to heroin at CIA headquarters in Long Cheng, in northern Laos, and the agency permitted him to use its airline, Air America, to transport drugs. Some of the profits from the Southeast Asian drug trade were allegedly laundered through the Nugan Hand Bank, an Australian institution that had a branch in

Thailand. Several CIA officials, including former CIA Director William Colby, had close ties with this bank, and Drug Enforcement Administration (DEA) agents reported that their investigation into this drug network was blocked by the CIA.

During the 1980s, the same pattern of complicity and interference in DEA investigations was a by-product of the CIA's support of Afghan guerrillas who were resisting the Soviet Union's invasion of their country, as well as the agency's involvement with contra insurgents who were working with the United States to overthrow the Sandinista government of Nicaragua. In the latter case, CIA cargo planes and airstrips that were used for the illegal transport of arms to the contras were exploited by traffickers to smuggle drugs from Latin America into the United States. Proceeds from the drug trade also were used by the contras to fund the anti-Sandinista military campaign. This CIA complicity, which was investigated in the mid-1980s by a Senate subcommittee on Terrorism, Narcotics, and International Operations headed by John Kerry, included tolerance of drug trafficking by Panamanian dictator Manuel Noriega and the notorious Colombian Medellín cartel. One drug trafficker, John Hull, a rancher from the United States living in Costa Rica, was a CIA agent or asset who operated a half-dozen airstrips protected by the agency that were off limits to local police and customs officials.

Perhaps the most controversial allegation of CIA involvement in the Latin American drug trade was advanced by reporter Gary Webb in an investigative series published in the *San Jose Mercury News* in 1996. Webb exposed a connection between the contra drug network and Danilo Blandon, a former Nicaraguan official who lived in California. Webb claimed that the contra-Blandon connection was a significant part of the low-cost crack cocaine market that emerged in some African American communities in the 1980s. Blandon allegedly supplied "Freeway Rick" Ross, an African American drug dealer in Los Angeles, with tons of cocaine that Ross converted to crack to build a burgeoning drug business that spread throughout California and the Midwest. Webb further alleged that the CIA had provided the Blandon-Ross network with immunity from investigation and prosecution by local law enforcement, the DEA, and U.S. customs during the time of the anti-Sandinista operation. In the late 1980s, after the operation had ended, Blandon and Ross lost their protection and were prosecuted. While Ross received a 10-year prison sentence, the U.S. Justice Department arranged to free Blandon and repatriate him to Central America.

Webb's exposé outraged African Americans, some of whom accused the CIA of willfully attempting to inundate their communities with drugs. When then-CIA Director John Deutch denied any CIA complicity, more than 2,000 protestors marched in the streets of Los Angeles demanding an official investigation. Maxine Waters, a Los Angeles congresswoman and leader of the Congressional Black Caucus, wrote a letter to the U.S. attorney general charging that the city she represented may have been introduced to crack cocaine because of the actions of U.S. government officials. At this point, President Bill Clinton instructed Deutch to attend a public meeting in Los Angeles where he faced some 800 angry African Americans and promised a full investigation of the story that had appeared in the *Mercury News*.

Subsequently, a CIA investigation was launched under the direction of Inspector General Frederick Hitz. Seventeen investigators conducted 365 interviews and examined 250,000 pages of documents over a period of about one-and-a-half years and published a two-volume report. When Hitz formally presented the report to Congress in 1998, he said he had found no evidence that the CIA as an organization or anyone in its employ had been involved in trafficking that brought drugs into the United States. Hitz was parsing words, however, because he admitted that there were in fact instances in which the CIA had not terminated relationships with individuals who were alleged to be involved in drug trafficking, nor had the agency made any effort to investigate such allegations. Hitz also told Congress that at the start of the contra operation in 1982, the CIA had reached an understanding with U.S. Attorney General William French Smith that it would not report drug trafficking violations by "nonemployee" assets to law enforcement authorities.

Ronald J. Berger

See also Asian American Gangs; Asian Americans; Crack Epidemic; Drug Trafficking

Further Readings

Chambliss, W. J. (1988). *On the take: From petty crooks to presidents* (2nd ed.). Bloomington: Indiana University Press.

McCoy, A. W. (2003). *The politics of heroin: CIA complicity in the global drug trade* (Rev. ed.). Chicago: Lawrence Hill.

Scott, P. D., & Marshall, J. (1991). *Cocaine politics: Drugs, armies, and the CIA in Central America.* Berkeley: University of California Press.

Civil Rights

See Black Codes; *Brown v. City of Oneonta*; *Brown v. Mississippi*; Death Penalty; *Escobedo v. Illinois*; *Illinois v. Wardlow*; *Mapp v. Ohio*; *Maryland v. Wilson*; *Miranda v. Arizona*; *Moore v. Dempsey*; *Norris v. Alabama*; Petit Apartheid; Profiling, Ethnic: Use by Police and Homeland Security; *Terry v. Ohio*; *United States v. Armstrong*; *United States v. Booker*; *United States v. Brignoni-Ponce*; *United States v. Wheeler*

Cocaine Laws

Sentence disparities between powder and crack cocaine were enacted in 1986 under the Anti-Drug Abuse Act. This act imposed strict penalties for simple possession and/or trafficking of crack cocaine as a result of the crack epidemic of the early 1980s. A federal mandatory minimum sentence structure with very different penalties for crack and powder cocaine was enacted as part of the War on Drugs, which was based on the deterrence model of punishment that prevailed during the 1980s. This entry reviews the nature of the problem related to cocaine laws, their impact on African Americans, and attempts to equalize the cocaine and crack cocaine penalties.

One aspect that is of concern, when examining the disproportionate sentencing of African Americans, is whether cocaine users are more likely to be White than African American. Data from the National Survey on Drug Use and Health in the United States in 2004 showed that 1,508,000 White Americans and 347,000 African Americans had used powder cocaine in the previous month. Thus, many more White Americans use cocaine, yet fewer White Americans have been tried and sentenced under federal mandatory minimum drug laws. According to the survey, 66% of cocaine users were White Americans, while only 15% of cocaine users were African Americans. In 2004, the National Survey on Drug Use and Health reported that 281,000 White Americans and 246,000 African Americans had used crack cocaine in the previous month. However, in 2000, 85% of offenders sentenced by the federal government for mandatory minimum crack cocaine sentences were African American.

Mandatory minimum prison sentences have increased the number of individuals incarcerated for drug offenses. Because African Americans are overrepresented in the prison system, their removal from the family or community structure has a significant negative effect on their families and communities. Imprisonment often imposes great financial and emotional strain on families. The direct financial costs associated with incarceration can encompass bail, attorney fees, charges for pretrial confinement at the county jail, and loss of income during pretrial confinement and incarceration. The high incarceration rate for African American men and women also negatively affects the children of incarcerated parents. A large majority of these children live with their grandparents; however, 9.6% of state inmates' children are placed in foster care, and 3.2% of the children of federal inmates are placed in foster care. Thus, a disproportionate number of African American children are placed outside the home in the child welfare system.

Research has revealed that African Americans are arrested more frequently and punished more harshly than are White Americans. White Americans are often more affluent, and therefore they may use and possess drugs in their homes or in areas that are not in the "policing spotlight" of urban inner cities. Policing policies that put more officers in urban inner cities for special operations like drug stings account for some of the disproportionate arrest and incarceration rates of African Americans.

Federal mandatory minimum sentences for cocaine originated as a result of what has been termed the "crack epidemic"—what could be considered a "moral panic" created by the news media about the sudden increase in crack cocaine use in urban areas. As a result of the media hype and widespread citizen support, Congress adopted federal mandatory minimums for the possession of crack and powder cocaine. The adopted sentences exhibited discrepancies in sentence length of individuals arrested for possessing crack cocaine compared to those possessing powder cocaine. The ratio of crack and powder cocaine was set at a 100-to-1 level. Thus, for example, an individual caught possessing 5 grams of crack cocaine would receive the same 5-year mandatory minimum sentence as a defendant in possession of 500 grams of powder cocaine.

Most researchers have reached the consensus that crack cocaine and powder cocaine are pharmacologically identical. The main difference between crack cocaine and powder cocaine lies in the methods of production and consumption. A document compiled by the Sentencing Project identifies two reasons that addiction to crack cocaine is often viewed as more severe and/or dangerous than addiction to powder cocaine. First, crack cocaine is considered to be more dangerous and to have more potential for abuse because it produces very rapid, intense highs that last for only a short time. This experience can create a "want" or perceived "need" for more of the drug. The second reason that crack cocaine may have a higher potential for abuse and addiction is that crack is relatively cheap and more readily available than powder cocaine.

Another reason given to justify the sentence disparities between crack and powder cocaine is related to how and where the drug is sold. Because crack cocaine is cheap and easily available, it can be sold in many types of locations. The Sentencing Project mentions that crack is often sold in "volatile" open-air settings. Most of the violence associated with crack cocaine occurs while persons are attempting to obtain crack, as opposed to the effects of consuming it. Although powder cocaine can be sold in similar locations, sales of powder cocaine more often take place behind closed doors, due to the larger proportion and quantities that powder cocaine is often sold. Because crack is sold in lesser quantities, by lower-level dealers, to lower-income individuals desiring the drug, there seems to be "extra" violence associated with crack. Because powder cocaine is more expensive and most likely sold by individuals in larger organizations, with better protection, it seems logical for violence in the drug trade to be focused on crack as opposed to powder cocaine.

The U.S. Department of Justice makes the argument that crack cocaine is more harmful and dangerous than powder cocaine. However, they have only limited research to support this claim. Additional research is needed to refute or validate this claim. One argument is that in order to continue the mandatory minimum sentences, the dangerousness of crack must be supported through empirical evidence. If research established the imminent dangers of crack cocaine and showed that these dangers were greater with crack than with powder cocaine, such evidence would provide justification and quell some of the controversy regarding crack cocaine mandatory minimums.

Numerous research studies show the disproportionate number of African Americans incarcerated by mandatory minimum prison sentences because of crack cocaine legislation. Legislators and other politicians have been made aware of the racial disparity of crack cocaine mandatory minimums for quite some time. Data from the early 1990s revealed that nearly 90% of crack cocaine federal mandatory minimum sentences were applied to African Americans. More recent research indicates that nearly 100% of federal crack cocaine mandatory minimum sentences are applied to minorities. Little to nothing was done to change the mandatory minimum sentences for crack cocaine convictions until *United States v. Booker* (2005). The *Booker* case created an opportunity for the U.S. Sentencing Commission to recommend that Congress change the federal sentencing guidelines concerning crack cocaine. The ruling in *Booker* gives judges the ability to sentence outside of the sentencing guidelines as long as they can adequately justify their decision.

In two separate and unrelated federal crack cocaine cases after *Booker,* sentences that were lighter than those mandated by the federal sentencing guidelines were overturned on appeal. The appeals court ruled that judges could disregard the current 100-to-1 crack to powder cocaine

sentencing guideline only when individual circumstances justified leniency toward the defendant. In these two cases, Judge Ernest Torres did not make his decision based on individual circumstances but stated that he disagreed in principle with the sentencing ratio.

A lack of research concerning the effects of crack and powder cocaine has forced legislators and politicians to continue to support the disparate sentences. In June 2005, Connecticut Governor Jodi Rell vetoed a bill to reduce crack cocaine sentences. In a press conference, Governor Rell acknowledged the concerns of the African American and Latina/o community and the disproportionate sentences imposed upon those communities, but that she would not reduce the crack cocaine possession penalties. Governor Rell called the proposed law that would decrease the crack cocaine sentence "a dramatic shift in our public policy regarding illegal possession, use, and sale of drugs" (Schain, 2005). This sentiment has also been expressed at the federal level, with the Justice Department expressing apprehension about any change to the laws (U.S. Department of Justice, 2002).

Even though the *Booker* case provided an opportunity to revisit the federal mandatory crack cocaine sentence guidelines, it does not mean that anything will change. In a very recent study of 24 cases of crack cocaine mandatory sentences after *Booker*, it was found that courts were likely to give harsh penalties for serious offenses and more likely to depart from the sentencing guidelines (mandatory minimums) if the defendant does not pose a great risk to society. Most of the courts in this particular study looked past the current mandatory minimums and sentenced according to the newest U.S. Sentencing Commission (USSC) recommendations. The USSC recommends a reform of the current 100-to-1 crack to powder cocaine ratio to a 20-to-1 or 10-to-1 ratio.

Numerous deviations and misclassifications of the federal mandatory minimum sentence policies have occurred. Originally, only midlevel and high-level crack cocaine and powder cocaine defendants were eligible for federal mandatory minimum sentences. However, the legislation has set the possession amounts much lower than what would be normal for a mid- to high-level dealer. Because of this error, most of the individuals who are incarcerated under mandatory minimum sentences (more than 60% of these inmates) are street-level dealers. The majority of offenders arrested and sentenced for possession of crack cocaine had a median of 52 grams, while midlevel drug dealers would be expected to possess at least 250 grams of crack cocaine (King & Mauer, 2006).

Prior research suggests that mandatory minimum sentences may not be most effective when fighting illegal drugs within the United States. According to the former director of the Office of the National Drug Control Policy, the focus and/or purpose is "reducing illicit drug use and its consequences" (RAND, 1997). According to a study completed by the RAND Organization, the policy of mandatory minimums for cocaine consumption and crime reduction is the least cost effective. If law enforcement agencies would focus more attention on arresting high-level dealers and provide treatment to heavy drug users, the results would be better. Just recently, as a result of the U.S. Supreme Court decision in *Kimbrough v. U.S.* (2007), the sentencing guidelines were adjusted and numerous inmates sentenced under the crack laws of the 1980s and 1990s became eligible for early release. In 2008, the releases began.

Michael Williams

See also Crack Babies; Crack Epidemic; Crack Mothers; Decriminalization of Drugs; Drug Dealers; Drug Sentencing; Drug Sentencing, Federal; Drug Trafficking

Further Readings

Benekos, P. J., & Merlo, A. V. (2006). *Crime control, politics, and policy* (2nd ed.). Cincinnati, OH: Anderson.

Betsey, C. (2005). Income and wealth transfer effects of discrimination in sentencing. *Review of Black Political Economy, 32*(3/4), 111–120.

Drug War Chronicle. (2002, March 29). Justice Department fights to maintain crack & powder cocaine sentencing disparities. Retrieved from http://stopthedrugwar.org/chronicle-old/230/sentencingcommission.shtml

Kimbrough v. United States, 522 U.S. __ (2007).

King, R., & Mauer, M. (2006). *Sentencing with discretion: Crack cocaine sentencing after* Booker. Retrieved from http://www.sentencingproject.org/Admin/Documents/publications/dp_sentencing_cc_afterbooker.pdf

Nadelmann, E. (2004). Criminologists and punitive drug prohibition: To serve or to challenge? *Criminology and Public Policy, 3*(3), 441–450.

RAND. (1997, May 12). *Study finds current sentencing laws undermine drug control goals.* Retrieved from http://www.rand.org/news/Press.97.98/mandatory.5.97.html

Schain, D. (2005). *Governor Rell vetoes crack cocaine sentencing bill: Asks for new bill, outlines proposals to address racial disparities*. Retrieved from http://www.ct.gov/governorrell/cwp/view.asp?Q=293422&A=1761

The Sentencing Project. (n.d.). *Crack cocaine sentencing policy: Unjustified and unreasonable.* Retrieved November 11, 2008, from http://www.sentencingproject.org/pdfs/1003.pdf

U.S. Department of Justice. (2002, March 19). *Justice Department releases report analyzing crack and powder cocaine penalties.* Retrieved from http://www.usdoj.gov/opa/pr/2002/March/02_olp_161.htm

U.S. Sentencing Commission. (2000). *Commission recommendations*. Retrieved from http://www.ussc.gov/hearings/test52202cht.pdf

U.S. v. Booker, 543 U.S. 160 (2005).

Cochran, Johnnie (1937–2005)

Johnnie Cochran was an African American lawyer and advocate of minority rights and equality of justice for everyone. He played an instrumental role in bringing attention to race and injustice in the criminal justice system in California as well as elsewhere in the United States. This entry examines the life of Johnnie Cochran and his contributions to the administration of justice as a prosecuting and defense attorney.

The Beginning

Born in 1937, Johnnie Cochran, Jr., earned his bachelor's degree from University of California, Los Angeles in 1959 and a law degree from Loyola Law School (part of Loyola Marymount University) in 1963. Inspired by Thurgood Marshall, Cochran thought he could make a difference through practicing law. In 1963, he passed the California bar and took a job with the city of Los Angeles, serving as a deputy city attorney in the criminal division. He worked as a prosecutor until 1965, and then he began private practice.

By handling civil and criminal cases, Cochran became a prominent advocate for victims of alleged police brutality. A very influential case for Cochran was that of Leonard Deadwyler, a Black man shot and killed by police as he tried to rush his pregnant wife to the hospital in 1966. Cochran represented the Deadwyler family, and although he lost that case, Cochran realized that accountability for police brutality was an important issue for minorities, and that these types of cases deserved more attention. His involvement in such cases made him a well-known attorney in Los Angeles.

In an interesting move, Cochran worked for the Los Angeles County district attorney's offices in 1978 as the assistant district attorney. Cochran took on this role to broaden his political contacts and to alter his image. In the early 1980s, he went back to private practice and began delivering crucial wins for the Black community in civil lawsuits against police brutality. As Cochran's fame grew, celebrities began hiring Cochran to take on their cases.

Becoming a Household Name

One of Cochran's first major celebrity clients was Michael Jackson, whom Cochran represented after child molestation allegations were leveled against Jackson. Cochran was able to arrange an out-of-court settlement with the boy's family, and Cochran also had the case retired in such a way that no criminal charges were ever filed against Jackson concerning the incident.

Cochran is perhaps most known for his lead role in the "Dream Team" defense in the 1995 O. J. Simpson trial. Simpson was accused of the 1994 murder of his wife, Nicole Brown Simpson, and Ron Goldman. Cochran prepared a strong defense from the beginning of the trial and continually weakened the prosecutors' case. One of the crucial ways Cochran delivered this was by challenging the evidence and paying special attention to the racist attitudes (known as "playing the race card") of the police officers, especially those of one of the investigating officers, Mark Fuhrman. In the Simpson trial's summation, Cochran's famous words were, "If it doesn't fit, you must acquit," when reminding the jurors that Mr. Simpson's

hand could not fit in the bloody glove that was recovered at the scene of the killings. The acquittal of the Simpson case instantly made Johnnie Cochran a national household name.

Cochran also represented Elmer "Geronimo" Pratt, a former Black Panther who spent 27 years in prison for a murder that he didn't commit. In 1997, Cochran helped Pratt get the conviction overturned, and Pratt was freed from the charges. In 2000, Cochran represented Sean "Diddy" Combs when he was indicted on stolen weapons' charges and bribery and won him an acquittal. Thereafter, Cochran vowed that he would take no further criminal cases because of their exhausting nature.

Accomplishments

Johnnie Cochran is the only lawyer in Los Angeles to receive both the Civil Trial Lawyer of the Year award and the Criminal Trial Lawyer of the Year award. Also, in 1995, the *National Law Journal* named him America's Trial Lawyer of the Year. He was also named one of the top 50 trial attorneys in America in 1999 by the *Los Angeles Business Journal*. Cochran was inducted into the American College of Trial Lawyers, a prestigious position only given to the top 1% of trial lawyers in the United States, and was a member of the International Academy of Trial lawyers, which is reserved for only the best trial lawyers in the world. He also has served as a role model for lawyers across the nation.

The Legacy

Johnnie Cochran died on March 29, 2005, at the age of 67, of a brain tumor. Upon his death, the middle school he had attended as a child was renamed in his honor. Formerly known as Mount Vernon Middle School, the Los Angeles school changed its name in 2006 to Johnnie L. Cochran Jr. Middle School, in an attempt to keep his legacy alive.

Cochran established the Cochran Firm in 1981. The firm currently has 20 office locations in 15 states. It is one of the premier plaintiff litigation and criminal defense law firms in the United States. Just Cochran's presence on cases resulted in many settlements due to his dominating presence. As a result of his dominant profile in the courtroom and his celebrity status, Cochran has been enshrined and parodied not only in professional settings but also in American pop culture. Cochran made it clear that he believed that race played a crucial role throughout society. He is remembered as a prominent figure in bringing racism in the criminal justice system to the forefront and attention of the public.

Kendra Bowen

See also O. J. Simpson Case; Police Use of Force; Race Card, Playing the

Further Readings

Cochran, J. (1996). *Journey to justice*. New York: One World/Ballantine.

Cochran, J. (2002). *A lawyer's life*. New York: Thomas Dunne.

Code of the Streets

Explanations for racial disparities in violence are tailored to further an understanding of variation at both the individual and aggregate levels of analyses. Commonly, conceptual arguments refer to the social-structural arrangements of society as a key cause of unlawful behavior. Many in fact look to the neighborhood for the sources of violence. Even the most disadvantaged Whites likely do not reside in a neighborhood approximating the impoverished conditions of moderately poor Blacks. Some attribute high rates of violent crime by Blacks to these conditions. But few claim that the disproportionate level of lethal crime committed by Blacks is an absolute product of structural forces existing at the state, city, or neighborhood level. Theorists argue that abstract properties intervene in the causal pathway, linking conditions like poverty, joblessness, and family structure to the individual's likelihood of engaging in violence. Elijah Anderson's term, the "code of the streets," represents a variant of a cultural concept purported to intervene between broader structural forces and violent crime committed by young Black males in urban centers. His writing merges key conditions across levels of analyses into a coherent explanatory narrative. This entry examines the origins of subcultural theory, Anderson's

theory, and the current level of empirical support for the theory.

Theoretical Origins

Criminology has a rich history of attempting to understand configurations of criminal behavior through a cultural lens. Early theoretical models attributed a subculture to segments of the population *purportedly* most involved in violence, including working-class adolescents, Italians, southerners, and urban dwellers. A separate body of literature emerged along these lines that imputed a subculture to Blacks. According to models of this variety, Black males—plagued by a recent history of systemic racism and periods of brutality at the hands of the White majority—abided closely to alternative conduct norms embodied in a "culture of violence." These norms stipulated that persons deploy serious and even lethal aggression to resolve interpersonal disputes. Marvin Wolfgang and Franco Ferracuti, for instance, speculated that adversity in the African American experience was responsible for this cultural substrate, but this was never specified concretely. Further, theorists gave little weight to structural conditions and therefore were virtually silent as to whether oppositional norms were linked—in any way—to broader forces. By the early to late 1960s, following the publication of several contentious works in urban policy and sociology, the idea that deviant conduct norms explain violence among Blacks and lower-class persons became increasingly unpopular. The scholarly orientation in criminology at the time mirrored this trend. Ruth Kornhauser's critical evaluation of cultural models contributed further to the waning status of subcultural theory. However, there was a resurgence of interest in cultural models in the last decade of the 20th century, perhaps due to the explanatory limitations of purely structural explanations.

Violent crime rates climbed in America's cities throughout the 1970s and again in the 1980s. By the early 1990s, rates of homicide involving Black youth peaked at an unprecedented level. While this was occurring, many cities were witnessing structural decline brought about by large-scale transformation in the industrial sector. William Julius Wilson noted that urban communities were becoming distinguished by a disproportionate concentration of impoverished, female-headed Black families. Middle-class flight ensued, dense person-institution networks evaporated, and, in the wake of this, the urban poor grew increasingly isolated from mainstream role models. Wilson suggested that alternative behavioral protocols emerged from this milieu; these were less apt to assign negative sanctions to deviant and violent behaviors. Within this intellectual context, Elijah Anderson researched the cultural mechanisms driving violence in contemporary urban America.

Anderson's Perspective

Elijah Anderson's research expands on the cultural tradition in criminology. It shares themes found in ethnographies originating during the middle portion of the 20th century, demonstrating the diversity of conduct norms among residents of urban centers. His book *Code of the Street* is essentially a continuation of his writing on the nature of urban existence among poor African Americans. Similar to his predecessors, he focuses on the normative aspects of violent actions and specifically among urban Blacks. Anderson's approach, however, explicates the social structural, historical, and political backdrop against which these values subsist. Broadly speaking, his work is a rich description of the symbolic and behavioral patterns characterizing social life in urban areas. Evidence is presented in noncausal language. Analysts have deduced ideas from these observations and translated them into testable theorems. Anderson's study of the cultural origins of violence is perhaps better referred to as a "scientific" perspective, an ethnographic study affording important conceptual insight into the complex reality of urban life.

Anderson's perspective is not unlike others at the time with regard to the way structural organization affects the values shaping behavioral protocols. The cultural substrate he defines purportedly sanctions the use of violence. In contrast, Wilson insisted that violent behavior is simply tolerated, but not directed. Anderson argues that Black men residing in disadvantaged urban areas construct their identities early in life according to the standards of the oppositional culture. He proposes that

the social "alienation" brought about by economic transformation has spawned an oppositional "street culture" or "street code" in inner-city settings. It supplies the "rules" regarding the proper way to defend oneself, and, at the same time, it assigns the normative rationale for those seeking to provoke aggressive actions. The code serves as a shared relational script by which both victims and offenders must abide if they are to successfully navigate their precarious social world. In this sense it is useful in the ecological context in which it exists. The content of the code is composed foremost of the "rules" to achieve honor; Anderson posits that deference is a valuable commodity in the subculture. Someone who is respected is better equipped to avoid potential threats of violence and the unwanted situation of being "bothered" by others. But perhaps more important, respect is an end in itself that affords the luxury of self-worth. By displaying a confident demeanor and wearing the appropriate attire, actors communicate a "predisposition" to violence. The street code requires actors to express their willingness to engage in physical aggression if the situation demands it. When an attack occurs, the code dictates that it should be met with a retaliatory response of like proportion. Otherwise, respect is undermined and the victim invites future attacks. With regard to victimization, how persons respond illuminates the broad cultural disparities between the conventional and the oppositional system. In the case of the former, persons who are victimized will either contact formal authorities or move on without rectifying the situation despite the degradation they experienced. In contrast, persons whose existence is dominated by the imperatives of the street code actively pursue a strategy for revenge. The former groups' status does not hinge on whether or not they avenge their aggressor; rather, rank is determined by their merit in conventional avenues.

Anderson notes that not everyone accepts the oppositional culture as a legitimate value system. The urban symbolic landscape is occupied by two coexisting groups of people: those who hold a "decent" orientation and those whose lives conform more closely to standards of the code—a group he refers to as "street." Decent people socialize their children according to mainstream values. They believe that success is earned, in part, by working hard and maintaining a law-abiding lifestyle. Parents in decent families rely on strict methods of discipline in order to socialize their children according to mainstream values. Cognizant of the hazardous social environment they occupy, decent parents establish curfews and keep a watchful eye on their children's activities. As opposed to decent families, street families are more devoted to the oppositional orientation embodied in the code. Their interpretations of their reality as well as their interpersonal behaviors rigidly conform to its precepts. Street families' orientation approximates that held by youths in the subculture envisioned in early cultural theories of crime. The cluster of values street folks abide by are antithetical to the precepts of middle-class, conventional existence. Furthermore, they place less emphasis on work and education, which is underpinned by their deep distrust in the formal structure as a whole. Most are financially handicapped, and whatever income they earn is "misused," spent on other priorities like "cigarettes" and "alcohol." Children of street families witness numerous incidents suggesting that violent aggression versus verbal negotiation is a means to achieve a desired end. For youth reared in a street family, their unfavorable early life experiences and the inept, aggressive socialization they receive culminate to shape their strong proclivity toward an orientation consistent with the oppositional code.

According to Anderson's portrayal, the cultural standards that decent and street families adhere to are diametric opposites. Since both groups are immersed in the same contextual environment, their orientations are prone to clash, though the aggressive posture of the street orientation generally prevails. Because of this circumstance, Anderson argues that decent folks have an incentive to become intimately familiar with the behavioral imperatives of the code; moreover, they must be prepared to momentarily perform them. The code represents an ecologically situated property directing individuals' behavioral responses, independent of their own culturally defined inclinations. Anderson's depiction of the code as a spatially bounded objective property is perhaps his most unique theoretical contribution.

Empirical Support

Researchers have developed a latent construct meant to capture the attitudinal components of the

street code. Findings from survey data show that youth who reside in disadvantaged neighborhoods and who feel discriminated against are likely to adopt this orientation. Results of other studies also indicate that the street code predicts violent delinquency and has a positive impact on individuals' odds of victimization. Kubrin and Weitzer reveal that retaliatory homicides—those reflecting subcultural imperatives regarding honor—are more likely to occur in disadvantaged neighborhoods. This finding closely coincides with the subcultural theory in general. Also, it supports Anderson's view that oppositional culture thrives in places lacking social-structural resources, where honor is an indispensable ideal. Much qualitative research also uncovers evidence in support of Anderson's claims regarding the nature of individuals' identification with the subcultural system. Echoing Anderson's observations, a prominent finding throughout the qualitative literature is offenders' desire for respect and status in their local context. The link between individuals' lack of faith in the justice system and adherence to the street code is also clearly illuminated in qualitative studies. In a paper by Rosenfeld, Jacobs, and Wright, informants report, for instance, that the cultural imperative opposing the criminal justice system is so salient within their neighborhoods that those who cooperate with the police risk their own lives.

To summarize, most empirical research is consistent with Anderson's perspective. Estimates tend to suggest that in disadvantaged urban areas—places disproportionately inhabited by Blacks—(a) behavior is shaped by an oppositional cultural orientation that assigns less credibility to conventional modes of conduct, and (b) such value systems are influenced by contextual factors. With respect to the question of whether values favoring violence predict violent behavior, a significant body of evidence indicates that oppositional values in fact vary closely with involvement in violence. Results also show that values measured in the aggregate affect individuals' behavior independent of their own commitment to these values; Anderson's observations regarding decent and street orientations seem to anticipate this finding.

Research Directions

The weight of the empirical evidence fails to disconfirm the idea that nonconventional culture plays a powerful role in stimulating violent behavior. Again, what appears untenable is the notion that Black violence is driven by an inherent subculture. Despite this, research focused on high rates of violence among the Black population has not abandoned cultural explanations entirely. Robert Sampson and William Julius Wilson link structural social organization to cultural organization to formulate a unified ecological model of violence. They propose that Black violence is the outcome of social disorganization as well as cultural social isolation and that both processes are produced from extreme structural disadvantage. Sampson and Wilson's logic assumes that since Black communities disproportionately experience structural disadvantage, they also disproportionately experience the processes that fuel violent crime. Under the same social structural conditions, Blacks and Whites should exhibit similar rates of involvement in violent offending.

Mark T. Berg and Eric A. Stewart

See also At-Risk Youth; Family and Delinquency; Social Disorganization Theory; Subculture of Violence Theory

Further Readings

Anderson, E. (1999). *Code of the street: Decency, violence, and the moral life of the inner city*. New York: Norton.

Hannerz, U. (1969). *Soulside: Inquiries into ghetto culture and community*. New York: Columbia University Press.

Kornhauser, R. (1978). *Social sources of delinquency*. Chicago: University of Chicago Press.

Sampson, R. J., & Wilson, W. J. (1995). Towards a theory of race, crime, and urban inequality. In J. Hagan & R. D. Peterson (Eds.), *Crime and inequality* (pp. 37–54). Stanford, CA: Stanford University Press.

Sellin, T. (1938). *Culture conflict and crime*. New York: Social Science Research Council.

Stewart, E., & Simons, R. (2006). Structure and culture in African-American adolescent violence. A partial test of the code of the street thesis. *Justice Quarterly, 23*, 1–33.

Wilson, W. J. (1987). *The truly disadvantaged: The inner city, the underclass, and public policy*. Chicago: University of Chicago Press.

Wolfgang, M. E., & Ferracuti, F. (1967). *The subculture of violence*. London: Tavistock.

COINTELPRO and Covert Operations

COINTELPRO is the acronym used to refer to counterintelligence programs conducted by the Federal Bureau of Investigation (FBI) to discredit and neutralize organizations considered subversive to U.S. political stability. These programs were covert and often used extralegal means to criminalize various forms of political struggle and derail several social movements in the United States. Contemporary race relations, political activism, and crime fighting are intimately intertwined in the context of these counterintelligence programs. The story of COINTELPRO is important to the study of race and crime because many Americans, including minorities, were the focus of COINTELPRO operations. This entry discusses early counterintelligence programs that target Puerto Ricans and African Americans involved with the Puerto Rican Independence movement and the Black Liberation movement.

The FBI has acknowledged conducting COINTELPRO operations between 1956 and 1971. These operations were allegedly abandoned after public and legislative scrutiny, though it remains unclear whether such activities have continued. COINTELPROs were initiated against various organizations, including the Communist Party, Socialist Workers Party (SWP), Puerto Rican Nationalists, Black Panther Party (BPP), and American Indian Movement (AIM). Their tactics included intense surveillance, organizational infiltration, anonymous mailings, and police harassment. These programs were exposed in 1971 when the Citizens Committee to Investigate the FBI burglarized an FBI office in Media, Pennsylvania, stole confidential files, and then released them to the press. More information regarding COINTELPRO was later obtained through the Freedom of Information Act, lawsuits lodged against the FBI by the BPP and the SWP, and statements by agents who came forward to confess their counterintelligence activities.

A major investigation was launched in 1976 by the Select Committee to Study Governmental Operations with Respect to Intelligence Activities of the U.S. Senate, commonly referred to as the "Church Committee," for its chairman, Senator Frank Church of Idaho. However, millions of pages of documents remain unreleased, and many released documents are heavily censored. In its final report, the committee sharply criticized COINTELPRO:

> Many of the techniques used would be intolerable in a democratic society even if all of the targets had been involved in violent activity, but COINTELPRO went far beyond that. . . . The Bureau conducted a sophisticated vigilante operation aimed squarely at preventing the exercise of First Amendment rights of speech and association, on the theory that preventing the growth of dangerous groups and the propagation of dangerous ideas would protect the national security and deter violence.

According to Ward Churchill and Jim Vander Wall in their 1990 book on the FBI papers, many COINTELPRO actions were not documented in writing and ex-operatives are now legally prohibited from disclosing them.

COINTELPRO and the Puerto Rican Independence Movement

The United States acquired Puerto Rico in 1899 after the Spanish-American War. In 1916, President Woodrow Wilson suspended voting until after the Jones Act was passed. This act conferred U.S. citizenship to Puerto Ricans, with all of its encumbered responsibilities, despite Puerto Rican sentiments.

In 1922 the Puerto Rican Nationalist Party (NPPR) was founded by Pedro Albizu Campos. He rejected the rule of the United States and called for a sovereign Puerto Rico. The island's police commander, Frank Riggs, with support from the FBI, launched a campaign to silence Puerto Rican nationalists like Campos. In response Campos declared that for every nationalist killed, a continental American would die. Thus, when police fired into a crowd of nationalists at the University of Puerto Rico on October 24, 1935, killing five of the demonstrators, the NPPR responded by assassinating Colonel Riggs. Campos and seven compatriots were arrested. After a mistrial, they were convicted and Campos spent the next 18 years in federal prison. Without Campos and hampered by FBI investigations, as well as the failure of assassination plots, the NPPR lost its momentum. However,

the cause of Puerto Rican independence would continue to be a rallying call to Puerto Ricans.

COINTELPRO operations directed toward the Puerto Rican independence movement began in 1960 through a memorandum from FBI Director J. Edgar Hoover to the San Juan Senior Agent in Charge (SAC). According to Hoover, the SAC's goals were to disrupt, create doubt, and cause defections from the movement. The SAC was also directed to expose the Marxist leanings of nationalists and replace conservative pro-independence leaders with younger men who were more easily influenced by Marxism and agreeable to the use of violence.

Agents hired informants to raise criticisms of the leadership. Agents also investigated nationalists' weaknesses, specifically their morals, criminal records, spouses, children, family life, educational qualifications, and personal activities. According to Churchill and Vander Wall (1990), the FBI gave warnings to owners of local radio stations implying that their Federal Communication Commission (FCC licenses would be revoked if pro-independence material was aired. By spreading rumors, threatening radio stations with revocation of their FCC licenses, and branding nationalists as communist and pro-Cuba, the FBI was able to create factionalism among these groups.

In addition to the FBI's campaign to discredit nationalists, there are allegations that the FBI engaged in lethal violence against pro-independence organizers. According to Churchill and Vander Wall, there were 170 documented attacks—including beatings, shootings, and bombings of pro-independence activists and their organizations. One example is the Cerro Maravilla episode of July 25, 1978, which some historians consider a COINTELPRO operation despite official claims that the program had ended in 1971. Two activists, Arnaldo Rosado and Carlos Soto Arrivi, were killed. Official reports claimed they were planning to blow up a television tower. They reportedly fired on police and were killed when officers returned fire. However, a witness contradicted this story, stating that police officers executed the young men. His story was later corroborated by one officer, Julio Cesar Andrades, who testified that the assassination was planned by senior police officials with cooperation from the FBI. None of the police officers or other officials was ever tried or convicted for their role in the murders.

The FBI's COINTELPRO on Puerto Rican independence served to rein in the independence movement. In a referendum on July 23, 1967, Puerto Ricans voted to maintain commonwealth status. Though the FBI claimed to suspend COINTELPRO operations in 1971, several historians have provided evidence that operations persisted against Puerto Rican nationalists well into the 1980s.

COINTELPRO: The Black Liberation Movement and Black Panther Party

On the heels of FBI successes against the Communist Party, the Socialist Workers Party, and Puerto Rican nationalists, COINTELPRO Director William C. Sullivan sought to reallocate the Bureau's resources to fighting more mainstream revolutionaries within the country. He turned his attention to the Black liberation movement.

For years, the FBI had Martin Luther King, Jr., and his Southern Christian Leadership Conference (SCLC) under surveillance due to their association with the American Communist Party. Evidence suggests that as early as 1962, the FBI planted articles alleging that SCLC had communist connections. Despite efforts to discredit him, Dr. King was awarded the Nobel Peace Prize in 1964. Dr. King continued to be under FBI surveillance until his assassination in 1968.

With the assassination of King, Black Nationalism took on a more militant tone under leaders like Stokely Carmichael and H. Rap Brown of the Student Nonviolent Coordinating Committee (SNCC). Their cries of "Black Power!" were credited with inciting widespread riots between 1964 and 1968 in cities across the country. As a result, COINTELPRO–Black Nationalism Movement was initiated in a memo dated August 25, 1967. The goals of the COINTELPRO were (a) to prevent coalitions between groups; (b) to target key leaders; (c) to discredit them within the Black community, to other Black radicals, to the White community, and to any liberals who might sympathize with them; and (d) to prevent them from recruiting young people into the organization. The counterintelligence program targeted the activities of groups like SCLC, SNCC, Revolutionary Action Movement (RAM), Congress for Racial Equality (CORE), and the Nation of Islam. These groups were labeled violent hate groups in FBI papers.

The FBI was very effective in discrediting the Black Panther Party. The BPP was founded in Oakland, California, by students, including Huey P. Newton and Bobby Seale, in 1966. The organization was formed around a 10-point program for Black self-determination. Members exercised their constitutional right to bear arms for self-defense and formed patrols to deter both Ku Klux Klan attacks and police brutality. Newton and Seale were also social activists and created feeding programs for inner-city children as well as health care programs for poor residents. They promoted education while at the same time reaching out to street gangs and drug dealers to form a political base from the most oppressed and alienated sectors of the population. Their message resonated with inner-city Blacks. The BPP membership rose dramatically, from 5 in 1966 to more than 5,000 in 2 years. Hoover once said the Panthers were the greatest single threat to the internal security of the country.

The Bureau mounted a successful campaign against the BPP. According to Brandeis University professor Peniel Joseph, the FBI manipulated antagonisms between the BPP and United Slaves, which resulted in the deaths of several BPP members. They also targeted individuals in leadership positions. H. Rap Brown, BPP minister of justice, was arrested for inciting a riot in Maryland and later convicted of carrying a weapon across state lines. He was sentenced to 5 years in a federal prison. Stokely Carmichael's influence in the United States was minimized when agents planted documents making it appear that he was a CIA agent. A rumor was also circulated that a BPP hit team was looking for him and as a result he fled to Africa. In Los Angeles, another BPP leader, Eldridge Cleaver, was involved in a shoot-out with police. When Cleaver and his associates exited the building with their arms raised, police opened fire, killing Bobby Hutton and wounding Cleaver. Cleaver was charged with parole violations and attempted murder. He fled to Algeria to avoid prosecution. Fred Hampton and Mark Clark, BPP leaders in Chicago and Peoria respectively, were killed in a police raid. An FBI informant drew a map of the apartment where the men would be. Agents and police raided the apartment in the early morning hours. In the ensuing gun battle, Hampton and Clark were both killed. Similar raids occurred in Los Angeles, San Francisco, Chicago, Salt Lake City, Indianapolis, Denver, San Diego, and Sacramento with similar results. According to one FBI document, key Black activists were arrested repeatedly on any excuse until they could no longer make bail.

The FBI admits to conducting 233 separate COINTELPRO operations against the Black Panther Party between 1967 and 1971. As a result of the neutralization of key leaders, the success in creating factionalism within the BPP, the smear campaign to alienate supporters, and the use of the criminal justice system to threaten, harass, and intimidate members of the BPP, the organization faltered. Members either abandoned the party or joined other militant organizations such as the Black Liberation Army or the Weather Underground.

Nadine Frederique

See also Black Panther Party; Davis, Angela; LatinoJustice PRLDEF

Further Readings

Blackstock, N. (1975). *COINTELPRO: The FBI's secret war on political freedom*. New York: Vintage Books.

Churchill, W., & Vander Wall, J. (1988). *Agents of repression: The FBI's secret war against the Black Panther Party and the American Indian Movement*. Boston: South End Press.

Churchill, W., & Vander Wall, J. (1990). *The COINTELPRO papers: Documents from the FBI's secret wars against domestic dissent*. Boston: South End Press.

Joseph, P. E. (Ed.). (2006). *The Black Power movement*. New York: Taylor & Francis.

Joseph, P. E. (2006). *Waiting 'til the midnight hour*. New York: Holt.

Schmidt, O. (2005). *The intelligence files: Today's secrets, tomorrow's scandals*. Atlanta, GA: Clarity.

Coker v. Georgia

In the 1977 case of *Coker v. Georgia,* the U.S. Supreme Court case held that capital punishment, the death penalty, is grossly disproportionate to the crime of rape and is therefore prohibited by the Eighth Amendment as cruel and unusual punishment. This case is important to the study of race and crime because, before it was decided, African Americans were more likely to receive the death penalty for rape, especially in the southern states.

The facts, decision, and historical significance of the case are presented in this entry.

Ehrlich Anthony Coker was serving six separate sentences in the Ware Correctional Institution near Waycross, Georgia, including two terms of life imprisonment for assault, kidnapping, rape, and murder. Coker escaped from Ware Correctional Institution on September 2, 1974. At approximately 11:00 p.m. that same day, Coker entered through the unlocked kitchen door of the house occupied by Allen and Elnita Carver. Coker threatened the couple, tied up Mr. Carver in the bathroom, obtained a knife from the kitchen, and raped Mrs. Carver. Coker then took money and the keys to the Carver's car, forced Mrs. Carver to ride with him, and threatened her with death and serious bodily harm. Coker was apprehended by the police a short time later. He was charged and convicted on various counts, including rape. The jury's verdict regarding the rape count was death by electrocution. Coker appealed on the grounds that the death penalty for rape was cruel and unusual punishment under the Eighth Amendment. Most other death penalty cases at this time were racially based, revealing a disproportion toward African Americans. However, race was not an issue in this case, as Coker and his victims were White. Both the conviction and the sentence were affirmed by the Georgia Supreme Court. Coker was granted a writ of certiorari to the U.S. Supreme Court.

In *Coker,* the U.S. Supreme Court addressed the issue of the constitutionality of the death penalty when imposed for crimes other than murder, specifically, in this case, with respect to rape of an adult woman. The Court, in a split decision on June 29, 1977, ruled that capital punishment is grossly disproportionate to the crime of rape and is therefore prohibited by the Eighth Amendment as cruel and unusual punishment. Justice Byron White, joined by Justices Potter Stewart, Harry Blackmun, and John Paul Stevens, held in a plurality opinion that the death penalty, while not disproportionate in the case of murder, was "grossly disproportionate" and "excessive punishment" in the case of rape. Thus, Georgia's death penalty for rape was found unconstitutional.

In the proportionality analysis, comparing the type and severity of punishment to the crime committed, Justice White noted that although the crime of rape was serious and revealed "almost total contempt for the personal integrity and autonomy of the female victim," it did not compare with murder as it did not involve an unjustified taking of human life. Thus, the death penalty was held to be excessive.

As a result of the U.S. Supreme Court's holding in *Coker v. Georgia,* 20 inmates—3 White inmates and 17 Black inmates—who were awaiting execution on rape convictions around the country were removed from those death rows. The holding in *Coker v. Georgia* has been interpreted in some instances to state that the state and federal governments may not extend capital punishment to most nonmurder offenses. However, the Supreme Court has applied the proportionality rationale regarding capital punishment to later cases wherein it invalidated death penalty sentences for murders committed by mentally incapacitated individuals and youths and for the rape of a child.

The decision in *Coker* caused some dispute among the Supreme Court Justices hearing and deciding the case. Justices William Brennan and Thurgood Marshall filed separate concurring opinions, wherein they concluded the death penalty was cruel and unusual punishment in all cases, including intentional murder cases. While Justice Powell agreed that the death penalty was disproportionate punishment under the facts of the *Coker* case, because Mrs. Carver did not suffer what he considered to be serious or lasting injury, he dissented from the view that the death penalty would be unconstitutional in all rape cases. Specifically, he stated the death penalty could be imposed when the rape involved extreme brutality or caused serious lasting harm. Justice Warren Burger, with Justice William Rehnquist joining, dissenting, agreed that while the death penalty could not be imposed for "minor crimes," rape was not a minor crime, and consequently the death penalty in the case of rape did not in itself violate the Eighth Amendment's ban on cruel and unusual punishment. The Justices noted that the Supreme Court majority had not considered the total effect of the rape in terms of the suffering imposed on the victim as well as the victim's loved ones. Finally, Justice Burger noted that it should be left to the state to determine under what circumstances the death penalty constituted a proportionate sentence for rape.

Critics of the decision in *Coker v. Georgia* have argued that Justice White's statement that a rape victim's life "may not be nearly as happy as it was," but that the victim is still alive—unlike the victim of a murder—is a slighting of the harm incurred by the victim of rape. Critics also take offense at the wording by Justice Lewis Powell, wherein he states there was no indication that Coker committed the offense with excessive brutality or that Mrs. Carver sustained serious or permanent injury. Supporters of the decision agree that rape should carry a lesser sentence than intentional murder, arguing that the lesser punishment will provide some type of incentive for the rapists to not kill their victims. A counter-argument is made that if rape carried the death penalty as its punishment, rapists would have an incentive not to rape their victims in the first place.

On May 22, 2007, the Louisiana Supreme Court addressed the case of *State v. Kennedy*, in which the court imposed the death penalty on Patrick Kennedy, who had been convicted of raping his 8-year-old stepdaughter in Harvey, Louisiana. The Louisiana court held that it is constitutional to impose the death penalty for rape where the rape victim is a child. It should be noted here that the *Coker* decision by the U.S. Supreme Court left open the possibility that children constituted a protected class and did not rule out the Louisiana law. The Kennedy case was ultimately appealed to the U.S. Supreme Court. The Supreme Court held that the Eighth Amendment bars Louisiana from imposing the death penalty for the rape of a child where the crime did not result, and was not intended to result, in the victim's death.

George E. Coroian, Jr.

See also Death Penalty; Martinsville Seven; *Kennedy v. Louisiana*

Further Readings

Coker v. Georgia, 433 U.S. 584 (1977).
Kennedy v. Louisiana, 554 U.S. ____ (2008), 957 So. 2d 757, U.S. Supreme Court October Term 2007, Decided June 25, 2008.
Rise, E. W. (1995). *The Martinsville Seven: Race, rape, and capital punishment*. Charlottesville: University of Virginia Press.

Colonial Model

In an effort to explain high rates of crime and violence among African Americans, some criminologists have used the colonial model to analyze the effects of race and social class and their interactive effect on specific attitudes and behaviors.

The model has its foundations in the work of Frantz Fanon, who examined relations between majority and minority groups in colonial settings. According to this perspective, colonization occurs when one group forcibly takes over the country of another group. During this process, those who are colonized are then forced to adhere to the norms of the colonizer. As a result, the colonized are exposed to a different set of cultural standards that become the standard by which the native group will be measured. However, the colonized are then forced to exist within a colonial society with limited resources.

Scholars argue that Black crime can emerge as a result of the political and economic inequalities that propel many minorities into criminal lifestyles since their chances for equal justice under the law are minimized. From the perspective of the colonial model, racial disparities and inequality in the U.S. criminal justice system suggest that the colonizer (Whites) has targeted Blacks, resulting in higher arrest rates and lengthy prison sentences. Those who resist this colonial authority are seen as political prisoners. Robert Staples, who refers to the police as "internal military agents," has also noted the critical role the police play in maintaining order within the colonial society.

Colonialism and the Death Penalty

Throughout the history of the American justice system, Blacks and minorities have been overrepresented in criminal cases and prison sentences, particularly in cases involving the death penalty. Scholars have used colonial theory to analyze racial disproportionality in the prison population and in the application of the death penalty. Recent governmental and state-sponsored reports have found that Blacks and other minority defendants are more likely than White defendants to receive the death penalty for the same crime. Specifically,

evidence has shown higher execution rates for Black defendant/White victim crimes compared to those in which the defendant is White and the victim is Black. The role of race and racism remains controversial, and it continues to be addressed by the U.S. Supreme Court and in other legal cases. According to some governmental reports, a majority of studies of racial discrimination in implementation of the death penalty show that the race of the victim correlates significantly with the death penalty (i.e., when a similar homicide under similar circumstances is committed by defendants with similar criminal histories, the defendant is several times more likely to receive the death penalty if the victim is White than if the victim is Black).

Several criminologists have noted that colonial theory is compatible with many conflict-theoretical analyses of American racism, emphasizing that Whites have systematically controlled and exploited racial minorities. Others have elaborated by pointing out that conflict theorists have tended either to ignore the role played by race in relation to criminal justice or to subordinate its significance to social class. As a result, these critics argue, conflict theorists have simply lumped all poor people together, regardless of their race/ethnicity, on that assumption that socioeconomic class is the major factor determining treatment in the criminal justice system. The evidence, however, remains consistent with the tenets of the colonial perspective.

A sense of threat emerges when Whites believe that Blacks' actions would loosen their controlling grip, and criminal behavior, particularly violent criminal behavior, can often produce that sense. Through the evaluation of the model, one can better see who, where, why, and how inconsistencies in the criminal justice system affect Blacks and other minorities.

Colonialism and Youth

The colonial model has furthered dialogue about the juvenile justice system in general and, specifically, about the transfer of juveniles to adult courts. Scholars have presented evidence that the primary purpose of the juvenile court, as well as the transfer of juveniles to adult court, is to control and punish minority youth rather than youth in general. Many politicians are forced to support such policies because of public pressure, resulting from perceptions and fear of crime shaped in large part by media coverage that contributes to a state of moral panic. Racial discrimination and bias in decision making then occur for various reasons throughout the processing of youths by juvenile justice officials and ultimately culminate in racially disparate rates of transfers to adult court. Scholars have noted that the causes of such discrimination making may include conscious and unconscious biases as well as differences in specific backgrounds. Compounding this injustice, current research suggests that treating juveniles as adults has no deterrent effect on serious juvenile crime and violence, and in fact is more likely to make things worse for the youths as well as the minority communities. The colonial model addresses the limitations of mainstream structural theories in explaining high rates of crime and violence among African American youth by speaking to the key precursor of these conditions: colonization. Making both inter- and intragroup comparisons, the perspective argues that lower-class African American youth, especially males, are at the greatest risk of selecting violent and criminal responses. The perspective is not without its criticisms. For example, Tatum notes that the model is often difficult to test empirically and often gives less attention to issues addressing class.

Further Research

Criminologists have suggested that one method of reducing the effects of colonialism would be to allow for greater community control of police. Proponents of the community policing proposal argue that in order to diminish negative views of police, the police should be required to live in their specific precincts. Others urge that greater emphasis be placed in ensuring that minority defendants are tried by a jury of their peers. Still others have noted that structural changes must occur to change economic conditions to reduce the impact of racism and discrimination within the administration of justice as it pertains to minorities who are most affected by the colonial power structure.

Zina McGee, Tiffany Latham, and Sophia Buxton

See also Conflict Theory; Critical Race Theory; Dehumanization of Blacks; Minority Group Threat

Further Readings

Staples, R. (1975). White racism, Black crime, and American justice: An application of the colonial model to explain crime and race. *Phylon, 36,* 14–22.

Tatum, B. L. (1994). The colonial model as a theoretical explanation of crime and delinquency. In A. T. Sulton (Ed.), *African American perspectives: On crime causation, criminal justice administration and prevention* (pp. 33–52). Boston: Butterworth-Heinemann.

Tatum, B. L. (2000). *Crime, violence and minority youths.* Aldershot, UK: Ashgate.

Tatum, B. L. (2000). Toward a neocolonial model of adolescent crime and violence. *Journal of Contemporary Criminal Justice, 16,* 157–170.

Tatum, B. (2004). Trying juveniles as adults: A case of racial and ethnic bias? In M. D. Free, Jr. (Ed.), *Racial issues in criminal justice: The case of African Americans.* Monsey, NY: Criminal Justice Press.

Community Policing

Prefaced by an atmosphere of racial tension, activism, and civil unrest, community policing (COP) has emerged as one of the most profound police innovations of the 20th century. COP can be defined as a philosophy, strategies, tactics, or programs that seek to alter the traditional definition of policing from crime control to one of community problem solving and empowerment. Driven by the Crime Control Act of 1994, which provided federal funding for the hiring of COP officers, COP has flourished as an alternative to what many perceive as the inadequacy of professional policing to deal effectively with crime and resistance. Given the disparate impact of criminal justice processing on communities of color, the growth of COP provides a new opportunity to address the racialization of neighborhood crime and allows police greater resources to better assist communities in mobilizing against violence and disorder. This entry examines variations in the definition of COP, its historical development including the role of racial minorities and social science research, and an evaluation of COP programs.

Community Policing Defined

COP has been popularly defined by Robert Trojanowicz and Bonnie Bucqueroux as a new philosophy of policing based on police–citizen partnerships that work together in creative ways to solve community problems such as crime, fear of crime, disorder, and neighborhood decay. Fundamental to this philosophy is the ideal that citizens as active members of the community can be empowered to enhance the quality and safety of their neighborhoods rather than relying solely on police services. This broadened view of police recognizes that cooperation between police and the public will allow police greater access to information provided by the community, in turn fostering better police responses to community needs. While the actual definition of COP is highly debated, inherent to most COP models is the goal of establishing collaborative community–police partnerships, which address crime and disorder at the neighborhood level in a proactive, community-sensitive approach.

Still, COP exists in various forms in different environments, with models changing to meet the specific needs of the community involved. For some departments, this means a focus on activities that are designed to bring police officers closer to the communities they serve through increased foot and bicycle patrols, police decentralization through the use of substations, and the long-term assignment of officers to specific beats. In other departments, COP suggests more order maintenance and service delivery initiatives such as crime prevention programs and efforts that seek to revitalize disorganized neighborhoods.

History of COP

While early police practices illustrate many aspects of contemporary COP models, the call for police professionalism coupled with rapid innovations in technology led to increased distance between police and citizens. As police isolation, weakened community ties, and increased social and political protest offered evidence of the ineffectiveness of professional policing, criminologists and police administrators began to recognize the need for better community–police relations.

As with other reforms throughout history, the evolution of COP occurred within the historical context of American community–police relations. While many acknowledge the inherent difficulty of policing in a representative democracy, the historical role of American police has been to maintain the status quo by protecting politically powerful citizens. Thus, for communities with little or no access to political power, the road leading to COP was marred by injustice, over- and underenforcement, and fear.

Because the evolution of COP is indistinguishable from the development of American policing, George Kelling and Mark Moore's typology of policing eras serves as an adequate starting point. In the first period of policing, identified as the *political era,* the earliest functions of police were mainly crime control, prevention, and order maintenance, with foot patrol and rudimentary investigation being the primary police tactics. Police during the political era had close ties with the community they served, often residing in the same neighborhoods as their beats. While many contend that early forms of policing such as the watchmen system formed in the North prior to the political era, others note that the precursor to American policing occurred in the South with the creation of slave patrols in the 1700s. Akin to the watchmen system, slave patrols in the fashion of citizen obligation granted full power and authority to poor Whites in the apprehension of runaway slaves. In a critique of Kelling and Moore's work, Hubert Williams and Patrick Murphy contend that White owners combined foot and mounted patrol to prevent slaves from congregating and to repress any attacks upon the status quo.

While police were highly integrated into neighborhoods and provided services to communities with power, their closeness to political leaders and decentralized structure gave rise to police corruption and discrimination. In communities with no access to political power, the situation was very different. Early police officials and legal doctrine supported and sustained institutions, including slavery, segregation, and discrimination, that were injurious to Blacks and other minorities. Police were bound to uphold that order, which has served as a foundation for police behavioral patterns and attitudes toward minority communities that persist today. Williams and Murphy denote that as minorities have historically had fewer rights and freedoms, the task of police has been to control minorities, with little responsibility in protecting them from crime within their communities.

During the 1930s, the political era of policing yielded to a period of reform in which administrative control, police accountability, and professionalism guided public response. In hopes of combating corruption, officers became more distant from political and social communities and often had rotating shifts to prevent the formation of close bonds. The *reform era* also brought about police expansion of the military style of organization and administration modeled after Sir Robert Peel's efforts in England in the early 1800s. Still, for citizens without political clout, this shift in policing offered little reprieve from the injustice that had come to characterize the policing of minority groups.

Innovations in police technology also greatly affected community–police relations. In addition to motorized patrol, the creation of 911 dispatch systems allowed officers to respond quickly to crimes, which severely limited broad police interaction with communities. Moreover, as computers generated data on crime patterns and trends and increased the efficiency of dispatch and speed of police response, focus shifted away from community satisfaction with police services and furthered an "us versus them" mentality, elevated in communities with greater social distance separating citizens from police.

Beginning in the late 1950s and continuing into the following 2 decades, the police as a formal institution of government encountered perhaps its most alarming challenge as assaults on the legitimacy of police and the legal system gained nationwide attention. In the face of growing civil disobedience, national commissions were established throughout the mid-1960s and 1970s that documented widespread, systematic corruption among major policing departments and the use of aggressive tactics. Minorities played a key role in initiating the third era known as the *community era* as African Americans and middle-class Whites joined together to challenge police professionalism in the backdrop of the civil rights and antiwar movements. The political and social climate of this era, aggravated by historical injustices felt by minority citizens and widespread police corruption, provided the impetus for the transition in

many police agencies from traditional to community oriented policing approaches.

The Role of Research

By the mid-1970s many police organizations were committed to improving policing methods through research, as federally funded victimization surveys for the first time documented the existence of unreported crime and resident fear of crime. Research throughout the 1970s paved the way for many contemporary COP programs by highlighting the success of COP tactics such as foot patrol, officer knowledge about beats, and fear reduction in improving citizen satisfaction and community–police relations. Early research studies, including the Kansas City Preventive Patrol, the Newark Foot Patrol Experiment, and the San Diego Police Department's Community-Oriented Policing project shed light on the limited ability of police to affect crime. Together, these efforts demonstrated that foot patrol and police interaction with the community could improve the attitudes of officers toward their jobs and communities as well as encourage them to develop creative solutions to complex problems and improve community attitudes of police. Thus, the 1980s ushered in a new era of community and problem-oriented policing that helped to reduce violent crime in several major cities. The introduction of the SARA (Scanning, Analysis, Responding, Assessment) model, CompStat, and other crime-mapping technologies has also refocused police attention on ecological approaches to crime prevention.

Evaluation of COP Programs

Early studies of COP focused on not only practices that enhance community–police relations but also those that reduce crime and disorder through the use of police crackdowns, strict code enforcement, and aggressive patrolling of quality-of-life offenses. One of the most well-known successes of this nature is that of Rudolph Giuliani and New York City. Variations of *broken windows policing* that address crime and disorder have also experienced crime reduction effects on the cities of Newark, New Jersey, and Denver, Colorado. Still, one of the most cited examples of COP was implemented in Chicago and studied by Wesley Skogan and Susan Hartnett. In an evaluation of the Chicago Alternative Policing Strategy (CAPS), researchers found residents in all five CAPS districts reported more favorable perceptions about police, including police responsiveness as a result of the CAPS effort. Residents' perceptions of police misconduct also declined, especially with respect to the African American population. However, Black and Latina/o residents were more doubtful than their White counterparts of the improvements in policing based on the CAPS efforts. Additionally, many of these districts, like most COP programs, suffered from a lack of citizen participation.

In a study of COP in Omaha, Nebraska, conducted by Vincent Webb and Charles Katz, residents ranked "preventative" COP activities lower than enforcement tactics that had a more direct effect on crime. Respondents with less education, however, rated "preventative" functions such as graffiti removal, trash cleanup, and youth programs as more important than did respondents with more education, suggesting residents' preferences for specific police functions often vary. This finding is complicated by evidence that many community members disagree with neighborhood police about which activities are the most beneficial.

In a more recent study that employed community data to assess residents' satisfaction with police, researchers concluded that residents who were familiar with neighborhood officers expressed higher levels of satisfaction than did other residents. This finding is specifically relevant, as numerous evaluations of COP suggest minority residents participate less in beat meetings and are generally less knowledgeable about the goals of COP. Other studies suggest COP produces only minimal and often transient effects on crime and fear of crime.

Despite the growth of COP programs, efforts to implement COP are often limited by a lack of commitment to longitudinal change and confusion and ambiguity associated with COP definitions. Hence, COP in practice may involve little philosophical or organizational change as popular COP tactics are simply added to existing police practices. One of the most important challenges facing COP is community mobilization. Given the history of minority–police relations and concerns of police legitimacy, as well as less satisfaction with police more generally, some minority residents simply chose not to become

involved with police for any reason. Still, racial diversification within police departments may increase police sensitivity and encourage positive interactions between police and communities of color.

Recent examples of COP successes in communities of color include the case of Wichita, Kansas, and Austin and Fort Worth, Texas. Led by Chief Norman Williams, the first African American chief in the department's 129-year history, officers in Wichita through the implementation of COP tactics and "weed & seed" efforts (including monthly food programs and the development of a "community house") have greatly improved police–citizen interactions and lowered crime rates. COP efforts in both Austin and Fort Worth, Texas, have also credited increased citizen participation and closer community ties to significant drops in overall crime. Chief Gwendolyn V. Boyd, of North Miami, Florida, has also made significant strides in crime reduction in the city due in part to COP efforts, as the first Black and first female chief in the North Miami Police Department.

Altogether, the benefits of COP appear to be constrained by group status, as those on the bottom of the social ladder are largely unaffected by COP tactics while Whites, homeowners, and those better educated report the greatest results. The efficiency of COP is restricted in communities that are fragmented by race, class, and other lifestyle factors. As such, the effectiveness of COP in enhancing minority–police relations and mobilizing communities of color is not clear as implementation problems and limited citizen participation complicate questionable findings. While the implications of the new "war on terrorism" and growth of zero tolerance policing on COP efforts remain to be seen, routine negative experiences with police, cases of excessive force, and racial profiling continue to challenge the future of police–community relations.

Kideste M. Wilder-Bonner

See also Police Action, Citizens' Preferences; Profiling, Racial: Historical and Contemporary Perspectives; Violent Crime

Further Readings

Jones-Brown, D. (2000). Debunking the myth of officer friendly: How African American males experience community policing. *Journal of Contemporary Criminal Justice, 16*, 209–229.

Kelling, G., & Moore, M. (1988). The evolving strategy of policing. *National Institute of Justice, 4,* 3–27.

Morash, M., & Ford, K. J. (Eds.). (2002). *Community policing: Making change happen.* Thousand Oaks, CA: Sage.

Skogan, W. G., & Hartnett, S. M. (1997). *Community policing: Chicago style.* New York: Oxford University Press.

Trojanowicz, R. C., & Bucqueroux, B. (1990). *Community policing: A contemporary perspective.* East Lansing: Michigan State University.

Webb, V. J., & Katz, C. M. (1997). Citizen ratings of the importance of community policing activities. *American Journal of Police, 14*, 45–66.

Williams, H., & Murphy, P. (1990). The evolving strategy of police: A minority view. *National Institute of Justice, 13*, 29–51.

Conflict Theory

Conflict theory is sometimes thought of as an alternative theory of crime and delinquency. In the 1960s and 1970s, conflict theorists such as George Vold, Austin Turk, and Richard Quinney began to call attention to the role of social structure and the distribution of political and economic resources in influencing who became enmeshed in the criminal justice system. Such theories were considered radical or outside the mainstream of well-established criminological theories (e.g., strain theory, social disorganization theory, differential association theory). It was radical to argue that theorists, researchers, and criminal justice public policymakers alike should turn their attention to the competition in society for sometimes scarce resources. It was even more radical to ask the question, "Who gets to say what is a crime and what the punishment will be for those who break the law?" Conflict theorists saw a plethora of evidence suggesting that those with the most power and money had the wherewithal to ensure that their group traditions, mores, and identified acceptable behaviors remained those to which all other groups must subscribe. Through the years, conflict theorists have been able to demonstrate, through scientific research, that early conflict theorists were correct in their assumptions. This

entry reviews the contributions of Vold, Turk, Quinney, and others to an understanding of criminal behavior and discusses the relationship between the public policies and the conflict theory approach to criminology.

The basic underlying assumption of conflict theory is that every society is organized around tension among competing interest groups. At any given time, any one of these groups can gain control of the resources associated with the major political and economic institutions of society. The group that is able to garner a majority of these institutions' resources will decide under which laws the rest of society will live and what will be done to those individuals who break those laws.

In 1969, George Vold argued that groups form because of an underlying common interest that is in direct opposition to other groups. Vold argued further that the groups in power control institutions of control, such as the police, the courts, and other components of the justice system. This pendulum of control swings back and forth and has a major impact on those groups who continually find themselves at the bottom of the social order: the poor and those from historically disenfranchised populations.

In the 1960s and 1970s, Austin Turk wrote about the process through which crime is defined. Mirroring the arguments associated with labeling theories of crime, Turk argued strongly that crime is defined by those in power; these controlling groups are able to subjugate individuals who lack the resources of the majority in the political machinery of society. Turk suggested that through interactions with each other, people acquire either a superior or inferior status and, as a result, assume either a dominating or submissive role.

The evolution of conflict theories of criminology continued with Richard Quinney's 1970 book *The Social Reality of Crime*. Like Turk, Quinney saw criminal behavior as behavior that is defined by authorized agents in a politically organized society. Like his fellow conflict theorists, he believed that criminal behavior is that behavior that is in conflict with the interests of those groups with the power and the resources necessary to affect public policy. Further, Quinney argued that under capitalism, individuals engage in two types of crime: (1) crimes of accommodation, such as property or violent offenses, often directed at people within their own social or ethnic group, and (2) crimes of resistance, such as those acts committed by workers as a revolt against a system. For Quinney, crimes of accommodation are the result of false consciousness among individuals within a capitalist system. In other words, when brutalized by a capitalist economy, with more and more people having very little in material goods, individuals may turn to crime in order to survive or to become more like the ruling classes. Loss of opportunities to succeed often leads to psychological maladjustment coupled with actions that are destructive to themselves and the greater society in general.

Conflict Theory and Criminal Justice Policies

Conflict theory has been used to explain many public policies in the United States and other developed countries that seemingly target the poor and minority race and/or ethnic groups. For example, William Chambliss used conflict theory to explain the development of vagrancy laws as far back as the 14th century. In England, the Black Death killed nearly one half of that nation's work force. This critical occurrence drove up wages, much to the chagrin of the landowners. Chambliss argued strongly that these statutes were used as a means through which to force workers into accepting low-wage jobs for the ruling class. In other words, the Black Death had killed off all the workers such that in order to entice people back into the work force, a higher wage had to be paid. Laws against vagrancy were intended, according to Chambliss, to keep citizens from just hanging around doing nothing. Instead, they would be forced into work by those with control over the legislative body through the enacting of a law that would make just "hanging out" a criminal offense.

More recently, conflict theory has been used to explain repressive policies by the U.S. criminal justice system toward primarily minority and poor populations. In 2000, Pernille Baadsager and her colleagues used conflict theory to explain the overrepresentation of minorities in secure juvenile holding facilities. The fact that this disproportionality exists is not surprising given the fact that, according to Walter Miller, minority juveniles, primarily Black or African Americans, are arrested for drug

violation at a rate 5 times that of their White counterparts. This is in direct conflict with self-reported data among young people that indicate that White youth are more likely to report using drugs than are their non-White counterparts. Further, conflict theorists point to the discrepancy in treatment between White and non-White youth in Operation Pressure Point in New York City. A crackdown by police on drug crimes led to the use of multiple resources in an attempt to rid the streets of drug dealers. Where conflict theory comes into play is that many young people of color in neighborhoods targeted by the police were detained and arrested, while White youth who were in the neighborhood to purchase drugs were not arrested.

One study used conflict theory, along with social disorganization theory, to examine the role that coercion by the dominant group, coupled with social decay, plays in determining who is, and who is not, arrested for a drug violation in U.S. cities. This study, using data from 187 U.S. cities, relied heavily on one basic argument that is associated with conflict theory. The more economically stratified a society becomes, with some having a lot and others having very little, it becomes increasingly important for those groups in power to create coercive control tactics, including laws and criminal justice policies, that bolster their conduct norms. For example, studies indicate that cities with larger minority populations have higher drug possession and trafficking arrest rates, a finding that is related to the fact that arrests are much easier to make in disorganized inner-city areas where many minority dealers operate than they are in middle- and upper-class neighborhoods where White dealers operate. From the perspective of conflict theory, this finding is problematic given the fact that national data indicate that most of the illegal drug users in the United States are White, and other data that indicate that at least half of crack cocaine users are White.

In one study on racial profiling, conflict theory was used to explain the term *hurdle effect*. Although race did not matter, empirically, in police stops of automobiles, it did have an effect on searches. Police were more likely to search Blacks and African Americans than they were Whites, especially when the stop occurred in a predominantly Black or African American neighborhood. This suggests that there could be empirical evidence to support the underlying assumption of conflict theory that less powerful people are more likely to be officially defined as criminal and put into the criminal justice system while having very little power or say-so in the legislation process.

One final example of how empirical investigations of hypotheses suggested by conflict theory can be used to confirm its basic underlying premise can be demonstrated by the disproportionate representation of minorities in death penalty statistics in the United States. Since the early 1900s and beyond, there is no doubt that the race/ethnicity of both the offender and victim matter when it comes to who will, and who will not, receive a death sentence. When the victim is White and the offender is of minority status, capital punishment is far more likely to be implemented than when the offender is White and the victim of minority status. Too, the U.S. Supreme Court has ruled that a showing of racial discrimination is the burden of each defendant in his or her individual case; defendants cannot show proof of discrimination overall relying on groups of cases. This is a much more difficult hurdle to clear.

Barbara Sims

See also Bonger, Willem Adriaan; Dehumanization of Blacks; Interracial Crime; Racial Conflict; Social Capital; White Privilege

Further Readings

Chambliss, W. J. (1964). A sociological analysis of the law of vagrancy. *Social Problems, 12*, 67–77.

Chambliss, W. J., & Seidman, R. (1971). *Law, order, and power*. Reading, MA: Addison-Wesley.

Lockwood, D., Pottieger, A., & Inciardi, J. (1995). Crack use, crime by crack users, and ethnicity. In D. Hawkins (Ed.), *Ethnicity, race, and crime: Perspectives across time and place* (pp. 212–234). Albany: SUNY Press.

Mosher, C. (2001). Predicting drug arrest rates: Conflict and social disorganization perspectives. *Crime & Delinquency, 47*(1), 84–104.

Petrocelli, M., Piquero, A. R., & Smith, M. R. (2002). Conflict theory and racial profiling: An empirical analysis of police traffic stop data. *Journal of Criminal Justice, 31*, 1–11.

Quinney, R. (1970). *The social reality of crime*. Boston: Little, Brown.

Turk, A. (1960). *Criminality and legal order*. Chicago: Rand McNally.
Vold, G. B. (1969). *Theoretical criminology*. New York: Oxford University Press.

Conservative Criminology

The dissolution of the rehabilitation and deinstitutionalization era of the 1960s and early 1970s paved the way for the development of a new conservative wing of criminological theory and policy—one highly critical of many liberal sociologists and criminologists. Beginning with the presidential campaign of Barry Goldwater in the 1960s, the discussion of crime causation moved from social pathology (i.e., economics and injustice) to one of individual immorality and personal shortcomings. The surfacing of the conservative criminology movement was symptomatic of many changing opinions concerning crime and punishment in the United States since the 1970s. At its core, the conservative criminology doctrine rejects social welfare programs and suggests harsher punishments and extended imprisonments. The development of the conservative branch of criminology has accompanied many changes in crime control and penal policy since the idealistic "rehab era" of nearly 40 years ago. This entry reviews the evolution of conservative criminology's central claims, its focus on the social utility of incarceration, and its critique of contemporary culture.

History

The most prominent conservative thinkers in criminology, such as James Q. Wilson and George L. Kelling, have sparked a revival of certain "positivist" thinkers within the classical sphere of the field. Most notably, the 1876 writings of the Italian military doctor Cesare Lombroso provided a blueprint for the incapacitation of "evil" criminals from "moral individuals" in society; the use of specific punishments fit to the offender (not the offense) to separate the offender from the rest of society are central to the conservative criminology movement. Wilson in particular emphasized a marked nostalgia for the importance of 1950s-era family- and religious-centered values. He believed such a reversion would help galvanize better parenting and informal social controls, which he believed had fallen by the wayside since the "free-spirited" idealism of the 1960s. In addition, conservative criminologists display ideologically centered thinking often not based on valid empirical research of any kind with solutions coming by way of a flashy rhetoric as opposed to sound facts. For example, many of the social welfare programs that aided Americans from many social classes, such as the New Deal and the G.I. Bill, are dismissed by conservative criminologists as too expensive and overused by the poor and minorities. However, much evidence exists to the contrary, and those within the conservative movement tend to simply ignore facts invalidating or debunking their central tenets.

Many politicians now stake electoral campaigns on the omnipresent promise to reduce crime and protect the public. Politicians across the political spectrum have favored the infamous "three strikes" laws as well as measures that require prisoners to serve the majority of their prison time—these policies represent an emphasis on deterrence and incapacitation rather than rehabilitation or ameliorating social woes. Many of these policies fell under the banner of conservative criminology and the main tenets espoused by its followers.

Conservative Criminology and the Sociological Tradition

Structural Inequalities and Racial Issues

The key writings of the conservative criminology movement, beginning in the mid-1970s, reformulated societal responses to crime in a manner highly critical of many social welfare approaches of the time (i.e., reducing crime through reducing poverty). Some examples of key criticisms put forward in these liberal-minded sociological policies related to race, poverty, and other structural deficiencies as key causes of crime—conservative criminologists often balked at these explanations. While the conservative criminology movement did not deny the existence of these problems within society, many of them suggested that these deficiencies did not in and of themselves "cause" crimes to occur. Conditions of abject poverty throughout

history have not always produced crime, the conservative criminologist would argue, and, therefore, striving for a more equal society would not necessarily have an impact on crime rates.

Critique of Sociological Theories of Delinquency

The conservative criminology movement further criticized many theories of delinquency based around noxious familial environments through careful analysis of practical policy implications. Moreover, although such circumstances can indeed be criminogenic, it was infeasible to expect the government to make deficient families adequately comply with a corrective policy that would, essentially, tell them how to "coexist" as a family. In addition, many conservative scholars argued that such repairs would simply be ineffective if a child had already undergone his or her formative years in a fractured family.

The Movement Away From Social Welfare

Finally, conservative criminology suggested that social welfare programs were not the remedy for crime because of the cost of such enactments and the potential lack of benefits. Thus education and poverty reduction programs favored by liberal sociologists and criminologists should be left behind in favor of increased punishments—sociological and/or structural causes of crime are not part of criminal justice policy. The resultant policies have contributed to the escalation of prison populations over the past 30 years (from roughly 250,000 in the mid-1970s to 1.45 million in 2005) (Irwin, 2005). Conservative criminology, moreover, argued that tougher crime control policies should focus on incapacitating offenders through prison time and completely taking chronic repeat offenders out of the equation.

The Renewed Emphasis on Imprisonment

The movement away from the view of prisons as cruel and criminogenic—one espoused by many sociologists and criminologists—marked conservative criminology as a distinct new movement in the mid-1970s. With a focus on incapacitation and harsher punishments, this burgeoning branch of criminology proposed that the prison was a useful asset to be handled by those in government to reduce crime and put away dangerous offenders. By increasing the certainty and swiftness of punishment, the potential criminal would decide that the costs of committing a crime outweighed any potential benefits. Thus conservative criminology did not advocate simply locking up all who committed crimes but thought the consistent and timely use of imprisonment would deter other potential criminals from committing crimes, seeing as the majority of them are rational and calculating human beings.

Joan Petersilia and Shadd Maruna, two noted criminological and penological scholars, have lodged criticisms at the conservative criminology movement for ignoring the issue of the re-release of more than 1,600 inmates from jail and prison *each day* in the United States. As Petersilia and Maruna point out, the rising costs, both economic and social, of releasing many disenfranchised and diseased (both physically and mentally) inmates back into civil society are largely ignored by the conservative movement; the "commonsense" approach of this movement often suggests, without empirical support, that the costs of escalating imprisonment are worth keeping society safe and reflect problems of lenient policy in the criminal justice system.

Rational Choice Theory

The specific theoretical perspective often utilized by conservative criminologists is known as "rational choice theory." If offenders are rational they should be punished not only because they committed a criminal act but also because they need to learn that crime does not produce lasting benefits. Finally, an emphasis should be placed on chronic offenders who must not be released back into society; repeat offenders were those who should be locked up for good. Because many of these chronic offenders will be allowed back into society, strong efforts must be made to keep them incapacitated so as to stymie "preventable" crimes that they would likely commit. In sum, conservative criminology suggested crime was due to certain wayward and dangerous people that must be isolated, not structural inequalities or deficiencies in larger society. Although much conservative

criminology focuses on inner-city crime, remedying these conditions is not particularly important in reducing crime. The conservative criminology movement is not, therefore, concerned with social inequality, hardscrabble conditions, and/or social disorganization as root causes of crime.

Degraded Morality and the Critique of the Counterculture

Moral Decline and a Culture of Permissiveness

The conservative criminology movement is highly critical of moral atrophy in society following the idealistic movements of the 1960s; this downturn can be linked to many social problems, not the least of which is crime. Moreover, the prominence of liberal politics and lifestyle choices during the 1960s caused a deterioration of the moral fabric of society. The 1960s "Cultural Revolution" saw an emphasis on promiscuity, self-gratification, and reckless behavior. A host of new behaviors previously viewed as immoral were now overtaking the nation's youth. The result was a society that allowed and—the tenets of conservative criminology argued—even encouraged deviance through lack of clear moral guidelines and welfare programs that created dependence on government assistance rather than gainful employment.

The cultural permissiveness of the 1960s further created households in which discipline is not adequately meted out, religious faith is eschewed, respect for authority is not taught, and self-discipline is not instilled. Because children are not being inculcated with adequate values and a clear moral compass, they may go down criminal paths. This moral depravation can also lead to drug use, disruptive relationships, poor job skills, and other adjustment issues throughout the life course. Thus according to conservative criminologists, both cultural and individual factors combine to create troubling moral problems and potential criminality.

Brent Funderburk

See also Family and Delinquency; General Theory of Crime; Inequality Theory; Juvenile Crime; Mandatory Minimums; Public Opinion, Punishment; Racialization of Crime; Recidivism; Social Control Theory; Strain Theory; Three Strikes Laws

Further Readings

Cullen, F. T., Pratt, T. C., Miceli, S. L., & Moon, M. M. (2002). Dangerous liaison? Rational choice theory as the basis for correctional intervention. In A. R. Piquero & S. G. Tibbetts (Eds.), *Rational choice and criminal behavior: Recent research and future challenges* (pp. 279–296). New York: Routledge.

Irwin, J. (2005). *The warehouse prison: Disposing of the new dangerous class*. Los Angeles: Roxbury.

Kelling, G. L., & Coles, C. M. (1996). *Fixing broken windows: Restoring order and reducing crime in our communities*. New York: Simon & Schuster.

Pratt, T. C., & Cullen, F. T. (2005). Assessing macro-level predictors and theories of crime: A meta analysis. In M. Tonry (Ed.), *Crime and justice: A review of research* (Vol. 32, pp. 373–450). Chicago: University of Chicago Press.

Skogan, W. G. (1990). *Disorder and decline: Crime and the spiral of decay in American neighborhoods*. Berkeley: University of California Press.

Wilson, J. Q. (2002). *The marriage problem: How our culture has weakened families*. New York: HarperCollins.

Consumer Racial Profiling

Consumer racial profiling (CRP) is discrimination in which consumers are suspected of criminal activity because of their race/ethnicity. Racial profiling in general has long been a concern for members of racial and ethnic minority communities. It is estimated that one third of the U.S. population is at risk of being victimized because they belong to a racial, ethnic, or religious group whose members are commonly targeted by police for unlawful stops and searches. While most of the interest has focused on the profiling of motorists based on race, there has been a gradual shift in attention to the profiling of consumers in the marketplace. This entry first provides a general overview of CRP, followed by a brief comment on the prevalence and evidence of CRP. Then the entry provides a more detailed look at the individual components of the CRP definition, an overview of research and theory related to CRP, and a review of legislation applicable to CRP cases. The entry concludes with a brief comment on future directions.

Overview of CRP

CRP is one type of discrimination against consumers. It involves differential treatment of consumers that either denies or degrades products and/or services based on the customer's race or ethnicity. This differential treatment involves suspecting that a customer is engaging in criminal activity.

The colloquial expression "Shopping while Black or Brown" is derived from a similar expression—"Driving while Black or Brown" (DWB)—which typically refers to incidents in which law enforcement officers stop, question, investigate, detain, and/or arrest motorists based on their race or ethnicity rather than on probable cause or even a reasonable suspicion that they have engaged in criminal activity. Attempts to justify such behavior by law enforcement officials are often based on the assumption that minority motorists are more likely to engage in criminal activity while driving. Due to increased concern over DWB, many states are now engaged in ongoing data collection to assess the validity of traffic-related racial profiling claims. Results of some of these early studies call into question the assumption that minority drivers have a greater propensity to engage in criminal activity. For example, in one recent study of Rhode Island traffic stops conducted by Northeastern University's Institute on Race and Justice, non-White motorists were 2.5 times more likely to be searched than White motorists. However, when the traffic stop resulted in a search, Whites were more likely to be found with contraband.

The same issues and concerns need to be analyzed in the context of consumer racial profiling. While DWB involves law enforcement officers, the profiling of customers is done by store owners, managers, clerks, security guards, and/or other representatives of the seller. In some cases, CRP may involve police officers who are called to the scene in their capacity as law enforcement officers or who are employed as off-duty security guards serving in the capacity as private actors. Given that CRP typically occurs on the private premises of a commercial establishment, customers have fewer rights as "invitees" than they do as citizens traveling on public roadways.

Prevalence and Evidence of CRP

Racial profiling may be far more widespread than most people realize. According to a 2004 report by Amnesty International USA, there were 32 million victims of racial profiling in the United States. Furthermore, the report estimates that at least 87 million people—1 in 3—in the United States are at high risk of being victimized because they belong to a racial, ethnic, or religious group whose members are commonly targeted by police for unlawful stops and searches.

Since the early 1990s, the popular press has reported hundreds of accounts of CRP and marketplace discrimination against consumers of color. There have been a number of investigations by television newsmagazines such as *Dateline* and *20/20* using hidden cameras in attempts to document alleged marketplace discrimination at certain business establishments in an effort to substantiate the popular press claims. However, such investigations typically lack the scientific rigor to prove that marketplace discrimination exists. In fact, skeptics point to the anecdotal nature of the evidence in arguing that most of these incidents involve disgruntled consumers attempting to "play the race card."

While reliable data to confirm the regularity of CRP are not abundant, there are a number of studies that provide some insight into the frequency with which racial minorities experience this phenomenon.

A More Detailed Look at CRP

CRP can happen when individuals engage in marketplace activities involving goods and services. It is important to note that consumer activity extends beyond "shopping" and can encompass planning a purchase (e.g., browsing), making an actual purchase transaction, exchanging a purchase (e.g., returning an item that is defective), and disposing of a previous purchase (e.g., turning in items at a recycling center). CRP also extends beyond consumer activity in retail stores. For example, CRP can occur in other places of public accommodation, such as hotels, restaurants, gas stations, and other service providers, as well as retail establishments

including grocery and food stores, toy stores, clothing stores, department stores, home improvement stores, and office equipment stores.

CRP is most often associated with African Americans, primarily because most highly publicized news accounts and court cases have involved African Americans. However, CRP can impact minorities from many different racial and ethnic backgrounds, including Hispanics, Asians, and Native Americans. In fact, since the terrorist attacks of September 11, 2001, there has been heightened interest and concern about CRP as it applies to anyone perceived as Middle Eastern. Arab Americans, in particular, are being scrutinized more carefully than other people, are questioned and detained more, are sometimes barred from boarding aircraft, and are even taken off planes by suspecting police and pilots.

To understand CRP, it is important to understand the law enforcement practice of "profiling." A *profile* is a coherent set of facts about an individual typically used to gain insight about whether a particular individual may be engaged in criminal activity. Originally, profiles were used *after* a crime was committed to assist police agencies in identifying the type of perpetrator they were seeking. Later, profiling became a tactic that law enforcement used *before* the crime. This altered use of profiling has now crept into the marketplace.

Overview of Research and Theory

Research on CRP and theory development is in the emerging stage, with very few published studies.

Empirical Research

At least one study dealing with marketplace discrimination can be traced back to the 1930s. In a cleverly designed study of that era, La Piere traveled widely in the United States with a Chinese couple, stopping at 66 sleeping places and 184 eating places. They were refused service only once. However, based on a follow-up mail questionnaire asking whether these same establishments would take "members of the Chinese race as guests in your establishment," 93% of the restaurants and 92% of the hotels said they would *not* serve Chinese people. The results of this study raised questions concerning discriminatory behaviors manifested in the marketplace and accompanying attitudes.

The La Piere study technically was not a CRP study, as it did not focus on criminal suspicion. A number of recent studies have examined CRP issues specifically. Several of these have analyzed legal cases in which retailers have been accused of engaging in CRP. In one of the studies, as many as 40% of cases involved allegations that customers were treated as criminals. Other studies have focused on the causes of CRP and on the psychological and emotional effects on CRP victims.

Theoretical Explanations

A number of researchers have offered theoretical explanations as to *why* ethnic/racial minorities, especially African Americans, are likely to be profiled. One explanation is that many merchants intentionally target ethnic/racial minority shoppers because they incorrectly believe them to be more likely to engage in shoplifting, to be less creditworthy, and so on. Retailers who see ethnic/racial minority customers as potential threats to company merchandise may attempt to discourage them from remaining in the store too long to prevent stealing. In this way, retailers can obfuscate their discriminatory motives with a perfectly legitimate and nonbiased rationale. This allows retailers to maintain control over ethnic/racial minorities who shop in their stores while continuing to see themselves as nonracist individuals. Such behavior coincides with theories of aversive racism, which suggest that racist feelings are more likely to be manifested when there is an easily justifiable explanation for the behavior.

Although much more difficult to identify and define, it also is likely that many instances of CRP are based on "subconscious racism." Unwittingly, some retailers make assumptions about their ethnic/racial minority customers based on stereotypes about African Americans that are fueled by ignorance and mistrust rather than by a conscious racist motive. *Labeling theory* states that society reacts to ethnic/racial minority people as criminals based on the labeling process that tags, defines, identifies, segregates, describes, and emphasizes

them as such. Therefore, labeling theory suggests ethnic/racial minorities are more likely to be treated like potential shoplifters.

Legal Review

Aggrieved parties can file legal claims under various state and federal laws. In addition, plaintiffs rely on common-law claims that provide some measure of relief, although they prevent the racial aspect of the retailer's conduct from being exposed.

Common Law Claims

A typical tort law claim arises when retailers detain customers on suspicion of shoplifting. Retailers usually defend their conduct as permissible under merchant detention statutes that allow storeowners to protect their goods by detaining and searching. Next, racial discrimination of customers arguably violates contract law's duty of good faith and fair dealing. Some legal scholars advocate changes in contract law that would prohibit discrimination in the formation, performance, enforcement, and termination of a contract. While a plaintiff could bring a marketplace discrimination claim based on the "duty to serve," this property law doctrine has become ineffective in protecting individuals from racial discrimination in retail settings. In the past, owners of any commercial property held open to the public had a duty to serve all patrons. The common law rule has mutated so that it currently immunizes most businesses from the duty to serve all customers.

State Public Accommodations Laws

Forty-five states have enacted legislation prohibiting race discrimination in places of public accommodation. Only Alabama, Georgia, Mississippi, North Carolina, and Texas do not protect residents of color when they are treated unfairly in restaurants, hotels, gas stations, and other business establishments. Traditionally, state laws covered places used by travelers, such as transport facilities, restaurants, and lodgings as well as places of entertainment, amusement, or cultural contact. Today, most state statutes treat retail stores as "places of public accommodations" although there is still some variation in terms of the type of establishments that are covered.

Forty-one states and the District of Columbia have established agencies to enforce their public accommodations laws. The role of the civil rights agencies varies, but in general they are responsible for studying discrimination and for educating the public about its rights and the business community about its duties. Most agencies have the authority to process complaints filed by individuals. State public accommodations statutes are underutilized for a variety of reasons, including the meager remedies available to plaintiffs who successfully prove discrimination.

Federal Laws

Victims of marketplace discrimination have advanced valid claims under the Civil Rights Acts of 1866 and 1964. The Civil Rights Act of 1866 was designed to ensure "that a dollar in the hands of a Negro will purchase the same thing as a dollar in the hands of a white man" (*Jones v. Alfred H. Mayer Co.,* 1968). Plaintiffs who successfully prove intentional discrimination under this act are entitled to both equitable (injunctive) and legal (monetary) relief, including compensatory and punitive damages. Equitable relief refers to the issuance of a court order prohibiting the defendant from engaging in discriminatory conduct. Section 1981 of the Civil Rights Act of 1866 provides that "All persons . . . shall have the same right . . . to make and enforce contracts . . . as is enjoyed by white citizens." The phrase "make and enforce contracts" includes "the enjoyment of all benefits, privileges, terms, and conditions of the contractual relationship." The U.S. Supreme Court has stated that the purpose of Section 1981 was "to remove the impediment of discrimination from a minority citizen's ability to participate fully and equally in the marketplace" (*Patterson v. McLean Credit Union,* 1989). To date, courts have narrowly interpreted the scope of Section 1981 by focusing on conduct that prevented the formation of the contract rather than conduct affecting the nature or quality of the contractual relationship. Many federal courts insist that Section 1981 plaintiffs must produce evidence that they were completely denied an opportunity to complete a retail transaction in order to state a valid claim.

Title II of the Civil Rights Act of 1964 is the federal public accommodations law, whose goal is "to ensure that all members of society have equal access to goods and services." It prohibits discrimination in "places of public accommodation," that is, privately owned institutions that are open to the public. Title II does not cover most retail stores. This means that the federal public accommodation law allows retail store personnel to discriminate against customers based on their race. There are some exceptions to this rule, since the act does cover retail stores that contain eating establishments as well as eating establishments that are "located on the premises of any retail establishment."

Under Title II, an individual is required to notify the appropriate state or local civil rights agency of the alleged discrimination prior to filing suit. Such notification must occur within a certain time frame established by the state's public accommodations statute. Plaintiffs who are not aware of it fail to meet the statutory deadline, and their claims are dismissed. The statute only permits a court to issue nonmonetary relief. The inability to recover monetary damages for violations of their rights undoubtedly discourages people of color from seeking redress under Title II.

Future Directions

Although significant strides have been made in eradicating discrimination in education, housing, employment, and other aspects of daily life since the passage of the civil rights legislation in the 1960s, discrimination still manifests itself in the marketplace in the form of CRP. Marketers, researchers, public policymakers, consumers, and law enforcement officials can take a number of steps to address concerns about CRP and any other vestiges of discrimination. First, all sales personnel should be trained to provide a more "welcoming" environment for all consumers, and particularly for consumers of color, including diversity training designed to sensitize employees to explicit or implicit prejudices that inhibit them from treating all customers with dignity and respect. Second, employee interactions with customers should be monitored to ensure that both positive outcomes and negative incidents are consistent across diverse subgroups. This can be accomplished by using mystery shopping audits or by employing "the demographic test" to detect and prevent discriminatory behavior among its employees, that is, using U.S. Census data to determine the racial/ethnic makeup of a store's trade areas and comparing data with store arrest and detention records. Given the increase in purchasing power among people of color, public policymakers could develop legislation that more effectively addresses CRP in today's economic climate.

Jerome D. Williams, Anne-Marie Hakstian, and Geraldine R. Henderson

See also Disproportionate Arrests; Profiling, Ethnic: Use by Police and Homeland Security; Profiling, Racial: Historical and Contemporary Perspectives

Further Readings

Crockett, D., Grier, S. A., & Williams, J. A. (2003). Coping with marketplace discrimination: An exploration of the experiences of Black men. *Academy of Marketing Science Review*, *4*, 1–21.

Gabbidon, S. L. (2003). Racial profiling by store clerks and security personnel in retail establishments. *Journal of Contemporary Criminal Justice, 19*, 345–364.

Gabbidon, S. L., & Higgins, G. E. (2007). Consumer racial profiling and perceived victimization: A phone survey of Philadelphia area residents. *American Journal of Criminal Justice, 32*(1–2), 1–11.

Harris, A. G. (2003). Shopping while Black: Applying 42 U.S.C. § 1981 to cases of consumer racial profiling. *Boston College Third World Law Journal, 23*, 1–57.

Harris, A. G. (2006). A survey of federal and state public accommodations statutes: Evaluating their effectiveness in cases of retail discrimination. *Virginia Journal of Social Policy and the Law, 13*, 331–394.

Harris, A. G., Henderson, G. R., & Williams, J. D. (2005). Courting consumers: Assessing consumer racial profiling and other marketplace discrimination. *Journal of Public Policy & Marketing, 24*, 163–171.

Websites

Center for Consumer Equality: http://www.consumerequality.org

Convict Criminology

Convict criminology is an emerging school within the academic discipline of criminology that addresses scholarly social science research and public policy from the perspective of professors and graduate students who have previously been convicted of crimes, incarcerated, and who, as ex-convicts, continued their formal education, earned PhD degrees, and joined the ranks of academia in a variety of disciplines, including criminology, sociology, criminal justice, corrections, and public affairs.

In many respects, convict criminology grew out of a shared recognition and concern by a handful of ex-convict professors that the get-tough policies initiated through the War on Crime and War on Drugs had a disproportionate effect on racial minorities in the United States, especially on African American families, and had resulted in gross disparities within the criminal justice system. Convict criminologists are uniquely qualified to give a voice to the disenfranchised racial minorities who are imprisoned or are now ex-convicts suffering from the invisible punishments blocking the path to reentry following imprisonment, by merging scholarly methods and their own firsthand experiences as convicts to analytically discuss the issues.

Purpose and Objectives

The purpose of the school of convict criminology is to formally recognize the value that ex-convict social scientists add to the academy through their life events and perspectives that shape their view of the criminal justice system and, more specifically, corrections. There are two stated objectives of convict criminologists. First, convict criminologists seek to change the way in which research on prisons is conducted. Second, convict criminologists seek to influence the manner in which the American Society of Criminology (ASC) and Academy of Criminal Justice Sciences (ACJS) articulate criminal justice system policy reforms to make corrections more humane.

History and Development

The field of convict criminology was first developed and evolved through a panel assembled to speak at the 1997 conference of the American Society of Criminology. Since that time, interest in convict criminology has grown considerably, as has acceptance of ex-convict criminologists by many within the academy. There are currently several dozen professors and graduate students who regularly participate in convict criminology panels at academic conferences and whose scholarly research written in the convict criminology perspective is regularly published in peer-reviewed journals.

The "grandfather" of convict criminology is John Irwin, now a professor emeritus at San Francisco State University, who has long been recognized for his ethnographic scholarship involving prisoners. Irwin was the first criminologist to acknowledge publicly his status as an ex-convict (he served time in the 1950s for bank robbery in California). Although not recognized as a convict criminologist, primarily because he has not worked in academia or earned an advanced degree in criminology or a related field, Charles Colson has furthered the cause of convict criminology since the late 1970s. Colson, an attorney and White House staffer in the Nixon administration, was convicted in the Watergate scandal and served time as a prisoner in several federal prisons. For the past 3 decades, Colson has parlayed his personal experiences into the nonprofit organization Prison Fellowship Ministries and has been instrumental in lobbying for legislation to assist prisoners and ex-convicts.

Future Directions

In recent years it has become more common to find peer-reviewed journal articles in the literature authored by criminologists who affirmatively frame their social research in the perspective of convict criminology. Annual roundtables and discussion panels at conferences of professional organizations, namely ASC and ACJS, have continued to further recognition and perceived legitimacy of the school of convict criminology within academia. Numerous convict criminologists have obtained positions at universities throughout North America and the world in the past decade, in great part due to the greater awareness of the value of their individual and shared experiences in criminological research and public policy initiatives.

Philip Matthew Stinson

See also Black Criminology; Disproportionate Incarceration; Disproportionate Minority Contact and Confinement; Drug Sentencing; Drug Sentencing, Federal; Felon Disenfranchisement; Sentencing Disparities, African Americans; War on Drugs

Further Readings

Richards, S. C. (2008). USP Marion: The first federal supermax. *The Prison Journal, 88*(1), 6–22.

Richards, S. C., & Ross, J. I. (2003). A convict perspective on the classifications of prisoners. *Criminology & Public Policy, 2*(2), 243–252.

Ross, J. I., & Richards, S. C. (2003). *Convict criminology*. Belmont, CA: Wadsworth/Thomson.

Ross, J. I., & Richards, S. C. (2003). The new school of convict criminology. *Social Justice, 28*(1), 177–190.

Terry, C. M. (2003). Managing prisoners as problem populations and the evolving nature of imprisonment: A convict perspective. *Critical Criminology, 12,* 43–66.

Convict Lease System

The Thirteenth Amendment of the U.S. Constitution, while effectively ending slavery, eventually authorized the use of freed slaves for involuntary servitude with the following clause: "Neither slavery nor involuntary servitude, *except as a punishment for crime whereof the party shall have been duly convicted,* shall exist within the United States or any place subject to their jurisdiction" (italics added). Under the convict lease system implemented in the U.S. South after the Civil War, the state took advantage of this clause by leasing prison inmates to private companies that used them as forced laborers. This system of enforced labor ran from 1865 to 1920. This entry examines the convict lease system in the United States that emerged after the abolition of legal slavery. A brief history of the convict lease system is discussed, as is the social context surrounding its development.

Controlling Slaves in the Post–Civil War South

Scholars have suggested that after the passage of the Thirteenth Amendment, there was a concerted effort to control the labor of the new underclass of freed African Americans. Many laws—such as the Jim Crow statutes as well as numerous vagrancy laws targeted specifically at Blacks—were put into place to make sure former slaves were controlled. As a result of these acts, the close of the 19th century saw the population in southern prisons becoming primarily African American. These inmates provided a source of agricultural workers who could be used to alleviate the labor shortage while also lessening the pressure on the states to house prisoners.

Many former slaves found themselves with few options at the end of the Civil War and the subsequent aftermath; their former lives as slaves offered little in the way of survival skills beyond the confines of a plantation. As a result, many freed slaves were enticed by the agrarian labor system as a source of at least some form of sustenance, and many of them returned to work at the same plantations they had recently left. Under the convict lease system, other former slaves, often convicted for petty crimes, were leased out to private vendors to promote and undertake forced labor to drive White-owned businesses. Thus, many former slaves found themselves working in the same areas where they were once held captive. While some had chosen to return to the plantations for the sake of economic survival, others were compelled to work there as forced laborers under the convict lease system.

Differences From Slavery

Although similar to each other, the forced servitude conditions differed from slavery in several important respects. Those now forced to work under enforced servitude were mostly African American prisoners put behind bars due to their own actions, whereas slavery had simply branded many of them inferior and therefore fit to toil away. Moreover, it was possible for those forced to labor under the convict lease system to live free lives upon being released from confinement; escape from slavery was punished with physical torture or death in most cases. More than anything else, the convict lease system exemplified the dependence of the South on enforced labor in one form or another, usually involving the subjugation of minorities.

Freed slaves also gained new rights, such as the right to vote in county-level elections. The latter

were particularly important for the recently freed, in that law enforcement frequently inflated and exaggerated charges against African Americans in the South. As many freed slaves were without residence or work, they often violated vagrant or trespass statutes; the new legal rights allowed Blacks to at least begin the process of contesting such charges. However, slavery-era racism still permeated southern culture and values; many Whites simply refused to accept the doctrine of emancipation that ultimately gave slaves their freedom. Much of the business interest in African Americans as reified commodities was related to maintaining an agrarian White-dominated system of cheap labor.

The Expansion of Forced Labor

Another primary motivation of the convict lease system was to make largely free labor available to White-owned business interests. Before the Revolutionary War, the use of forced labor for private profit was primarily the province of the Dutch and the British, who transported debtors and other "deviants" to the colonies for servitude. As the importation of forced labor declined, the American colonies increasingly relied on slave labor. After the close of the Civil War and the emancipation of slaves, the states passed laws that differentially affected the former slaves. Upon their imprisonment, many African Americans were leased out into forced servitude. The Thirteenth Amendment, in allowing for the extensions of racialized labor practices, promoted the interests of both industrial entrepreneurs and the agrarian planter class. The convict lease system, in legalizing this brand of forced labor upon African Americans, allowed "legitimate" types of work, such as coal mining and railroading, to be subsumed under the umbrella of enforced servitude. Finally, the unskilled and virtually free labor of African Americans was utilized not only by entrepreneurs in the South but by industrialists in the northern states as well.

Legacy

The convict lease system mirrors the racial divides and controversies within the current U.S. prison system. Many notable scholars have, in recent years, discussed the similarities between the rise in incarceration of African Americans in the post-slavery era and in the 1980s and 1990s. Both rises in imprisonment rates were the result of mass incarceration for largely petty crimes that had only been recently criminalized. In addition, several studies have found at least some link to economic and social disorganization of poor urban areas (which Blacks occupy at a rate 5 times that of Whites), similar to the hardscrabble conditions in the post–Civil War South.

Further, the seismic social and economic changes of the post–Civil War era mirror the increased global market economics of today, in which the search for cheap labor through outsourcing leads to an anomic sense of normlessness as wages and security are constantly shifting over time. The War on Drugs brought a greater emphasis on aggressive law enforcement tactics and led to a significant portion of the young Black male population being removed from many inner cities through mass incarceration. Finally, some scholars have noted the similarities between the use of punishment in both cases to reassert the normative order in times of massive social and economic change.

Brent Funderburk

See also Chain Gangs; Race Relations; Racial Conflict; Racialization of Crime; Racism; Slave Patrols

Further Readings

Du Bois, W. E. B. (1901). The spawn of slavery: The convict lease system in the South. *Missionary Review of the World, 14,* 737–745.

Garland, D. (2001). *The culture of control: Crime and social order in contemporary society.* Chicago: University of Chicago Press.

Hallett, M. (2002). Race, crime, and for-profit imprisonment: Social disorganization as market opportunity. *Punishment & Society, 4*, 369–393.

Myers, M. A. (1998). *Race, labor, and punishment in the New South.* Columbus: Ohio State University Press.

Oshinsky, D. M. (1996). *"Worse than slavery": Parchman Farm and the ordeal of Jim Crow justice.* New York: The Free Press.

Shelden, R. (2001). *Controlling the dangerous classes: A critical introduction to the history of criminal justice.* Boston: Allyn & Bacon.

Cool Pose

The Black male has been faced with many challenges since his arrival in America. Currently the Black community is in crisis due to poverty, poor education, high unemployment, and increasing morbidity rates. For example, in comparison to their White counterparts, Black males are 6 times more likely to die through violence. Among Black males ages 15 to 24 years old, homicide is the number one cause of death. The legacies of slavery, oppression, and discrimination have forced the Black male to adapt and reinvent himself, and the result has been the *cool pose*. The cool pose is the creation of an alternate persona that shields Black males against the constant barrage of racial discrimination in American society. On the one hand, it raises self-esteem, and, on the other, it further marginalizes him and may even reinforce negative stereotypes because it is outside the norm and is viewed as unacceptable.

The concept of the cool pose originated with the Harvard University Pathways to Identity Project during the 1960s and 1970s. Using the project data, one of the participants, Janet Mancini Billson, wrote an article in 1981 about how Black males in the inner city cope with everyday struggles. A decade later, her coauthor Richard Majors wrote a book chapter on the cool pose as it relates to Black males in sports. Their collaboration, titled *Cool Pose: The Dilemmas of Black Manhood in America,* provides an overall framework for the cool pose, its development, what it means, and its consequences.

Through a history of oppression of Blacks by Whites, Black males have been left powerless due to their lack of success in the familial, social, and financial realms. There is a huge gap between the desired status of the American dream and the means to achieve that station in life. The cool pose is a rejection of the definitions imposed upon the Black man by White dominant culture. It is the creation of a new identity. Further, it is the Black males' play on masculinity. This identity was formed out of a sense of survival and is the Black male presentation of self to greater society.

The cool pose is Black masculinity personified and involves role playing based on urban conventions of dress, speech, and behavior. Actors control interactions with an air that observers may view as arrogance but is grounded in honor and dignity. It embraces elements of the prison subculture, wearing pants low on the waist, poorly groomed hairstyles, and misogynistic comments. This stance is more prevalent among disadvantaged males and is a cultural, physical, and social detachment from everyday negative life. The cool pose, however, is an external projection and belies the internal pain and struggle of the actor.

The cool pose has its roots in West African culture, which is very expressive and emphasizes spirituality and strength. While the use of masks is prevalent among West African tribes, Black males create a symbolic mask through facial expressions and the overall image they portray. Outward symbols of expression are extremely important. Therefore, having the most stylish and expensive clothes, jewelry, cars, and hairstyles is very important. Verbalizations and body language also follow a script that epitomizes coolness, such as the way Black males greet one another with a hand clap, hand shake, and fast embrace. Cool pose is a response to the stress they face in society to mask their true inner feelings.

Effects of the Cool Pose

The cool pose has positive effects on the Black male psyche in that it brings a sense of pride, value, self-confidence, and personal control over their own lives. Adoption of the cool pose is a honed craft for the Black male. Conversely, the cool pose has negative effects. While slavery has changed Black male–female mating interactions, the cool pose stance has led to further changes in male–female relationships. One of the key components of the cool pose is an outward display of masculinity. One way to do this is to get involved with many women and have multiple children, but this negatively affects male–female relationships and has also led to an increase in the incidence of sexually transmitted diseases such as AIDS, which is plaguing the Black community at an alarming rate. Further, there is posturing between males on the street who will fight to the death to protect their image, as respect is a form of currency in inner-city communities. With so much lacking in other areas of their lives, respect is all they have,

and as such they go to great lengths to protect it. One must be prepared to take a life or give up one's own life to save face and remain "cool."

Despite the positive effect the cool pose may have on Black male self-esteem, it has increased Black males' involvement in damaging behaviors. Thus, the race-crime connection is perpetuated through destructive behavior, maintaining high rates of violence among young Black males and the social ills of the Black community as a whole. Perhaps it is time to redefine this posture by holding onto that which is positive and rejecting the negative qualities that are currently sustaining the cultural, economic, and social blight. Re-mold the mask, change the posture, and save the community.

Laurie J. Samuel

See also Code of the Streets; Hypermasculinity; Self-Esteem and Delinquency

Further Readings

Anderson, E. (1999). *Code of the street*. New York: Norton.

Cool pose culture. (2007). *The Urban Dictionary*. Retrieved from http://www.urbandictionary.com/define.php?term=cool-pose+culture

Gibbs, J. (1988). *Young, Black, and male in America: An endangered species*. Dover, MA: Auburn House.

Kubrin, C., & Wadsworth, T. (2003). Identifying the structural correlates of African American killings. *Homicide Studies, 7,* 3–35.

Majors, R., & Billson, J. (1992). *Cool pose: The dilemmas of Black manhood in America*. New York: Simon & Schuster.

Samuel, L. (2005). *Self-cleaning ovens: The impact of police intervention and the code of the street on retaliation homicide in disadvantaged communities in Washington, D.C.* Unpublished doctoral dissertation, Howard University, Washington, DC.

Wallace, D. (2007). It's a m-a-n thang: Black male gender role socialization and the performance of masculinity in love relationships. *The Journal of Pan African Studies, 1*, 11–22.

Crack Babies

Crack babies is a term used to describe babies born to women who expose their fetuses to crack or powdered cocaine while pregnant. The name arose from a surge in cocaine and crack use in the United States; it was used in media outlets and in scientific research. The image most associated with a crack baby is a baby born to a minority woman, more specifically, an African American woman, living in poverty in the inner city.

Cocaine comes from the coca plant, whose leaves are chemically treated to produce a white powder. This white powder became a popular drug in the United States beginning in the 1960s and hit its peak of popularity in the 1980s. Cocaine can enter the human body through the vein or through the nose. To increase the potency of cocaine, users "freebase." This is a process to remove the hydrochloride. When the freebased cocaine is kept in its solid form, it is called *crack*, because of the cracking noises it makes when heated and smoked. People who use crack may experience some negative effects, including heart attack, stroke, convulsions, increased blood pressure, and depression. When a pregnant woman smokes crack, the drug affects not only the woman but also the fetus.

During the 1980s, greater attention was being paid by law enforcement, legislatures, and media sources to the increased use of crack. Although the War on Drugs had been in effect for many years, use of crack was still prevalent at this time. Hospitals in large metropolitan areas began reporting incidents of babies being born addicted to crack. Once newborns were found exposed to drugs or alcohol, law enforcement agencies and/or child protection agencies were contacted, and many newborns were removed from their mothers and placed with relatives or in foster care. As more incidents were reported, attention was focused on these children, who were predicted to become a societal burden. It was thought crack babies would be severely mentally and physically delayed and scarred from the mother's crack use. The imagery conjured by the media focused on poor, inner-city, African American women as the main perpetrators of this situation. The media outlets helped to perpetuate a fear of what crack babies would do to existing resources, including medical costs, educational costs, and overall societal stability. A genuine fear developed about the potential hazards that crack babies were going to cause socially.

Many governmental prevention programs were initiated to allow pregnant women abusing crack or

cocaine a chance to stay "clean" until their children were born. The bulk of these drug prevention programs were voluntary, but the instilled fear of the reverberations of crack babies led many states to criminalize the use of crack and cocaine while pregnant. Many states enacted legislation that would allow prosecutors to charge women who gave birth to a baby testing positive for cocaine with child abuse or child endangerment. Several states also tried incarcerating crack-addicted pregnant women in a tactic to keep them from using the drug until their babies were born. A few states charged these women with criminal offenses because they delivered cocaine to a minor through the umbilical cord. The criminalization of women delivering crack babies was problematic because the majority of states and the federal government do not consider a fetus to be human until birth. Many of the criminal prosecution attempts were against disadvantaged African American women who had few available resources to assist in their defense.

Throughout the 1980s and into the 1990s, many scientific studies were conducted on the effects of crack on babies and the prevalence of crack babies. These studies had conflicting and inconsistent findings. There is unpredictable medical research on the effects of crack on fetuses. This research finds that crack babies may be more apt to be premature, have a low birth weight, have addiction withdrawals, and be more susceptible to sudden infant death syndrome, heart defects, and many other serious mental and physical effects. Although research finds that crack has a negative effect on in utero exposure, many studies concluded that the effects of crack cannot be specifically determined. Many substance-abusing women who use crack may also use alcohol, smoke cigarettes, and use other drugs. These same women usually live in poverty, which affects diet, health care, and many other aspects of life. Many published articles also found that crack babies were not limited to African American women but were born of women of all races, including Caucasians. Race was found to be one factor in understanding the prevalence of prenatal crack exposure. Many studies used large hospitals, in major cities, as the location to collect information on crack babies. These studies found major inconsistencies in who is and who is not drug tested at the hospitals. If the pregnant woman or the newborn showed signs of addiction, she or he was tested, but many tests were performed by hospital staff based on subjective factors like race. Because of costs, hospitals were not testing every woman delivering a baby at the hospital. Stereotypical images of the poor African American woman made this group more prone to drug testing than were women of other racial groups. This inconsistency creates skepticism about the number of crack babies, since there was no state or national guideline to support testing criteria.

The term *crack babies* reflects societal fears of a potential epidemic that did not occur. Although cocaine and crack are very harmful to unborn fetuses, their effects vary based on a number of factors that include drug use but are not limited to solely crack exposure. The term itself is controversial. Health care professionals have noted that there is no medical diagnosis to which it corresponds and have criticized the media for using a term that unfairly stigmatizes these infants. Minority women, but more specifically poor African American women, were depicted as villainous mothers who did not care about their unborn children, when research shows substance abuse crosses all racial and social class lines. The blame placed on African American women led to the removal of their crack-exposed newborns to foster care and the imprisonment of these women. Illegal drug use is a moral and legal battle but also a medical and social war because of the existence of crack babies.

Jennifer L. Gossett

See also Crack Epidemic; Crack Mothers; Family and Delinquency

Further Readings

Bopp, J., & Gardner, D. H. (1991). AIDS babies, crack babies: Challenges to the law. *Issues in Law and Medicine*, *7*(1), 3–52.

Fulton, L. (2001). Protective custody of the unborn: Involuntary commitment of pregnant, substance abusing mothers for the protection of their unborn children. *Children's Legal Rights Journal*, *21*(3), 8–16.

Glassner, B. (2000). *The culture of fear*. New York: Basic Books.

Kosta, W. (1996). *Crack babies are coming: What impact will 1980s crack babies have on police services by the year 2005?* (Publication No. 21-0434). Rockville, MD: National Institute of Justice/NCJRS.

Litt, J., & McNeil, M. (1997). Biological markers and social differentiation: Crack babies and the construction of dangerous mother. *Health Care for Women International*, *18*(1), 31–42.

Lyons, P., & Rittner, B. (1998). The social construction of the crack babies phenomenon as a social problem. *American Journal of Orthopsychiatry*, *68*(2), 313–321.

Twohey, M. (1999). The crack-baby myth. *National Journal*, *31*(46), 3340–3345.

U.S. Sentencing Commission. (2002). *Report to Congress: Cocaine and Federal Sentencing Policy* (pp. 1–155). Washington, DC: Author.

Welch, M. (1997). Regulating the reproduction and morality of women: The social control of body and soul. *Women and Criminal Justice*, *9*(1), 17–38.

Crack Epidemic

Crack epidemic refers to the significant increase in the use of crack cocaine in the United States during the early 1980s. Crack cocaine was popularized because of its affordability; its immediate euphoric effect, which helped individuals escape their social and economic dilemmas; and its high profitability, which provided opportunities for some to move up the "economic ladder." The relevance of the crack epidemic to the topic of race and crime lies in the increase of addictions, deaths, and drug-related crimes that took place mostly within the African American community of the inner city. This entry discusses crack cocaine, its arrival in America, its effects on crime in the African American community, and the efforts made to curtail its use.

Crack Cocaine

Cocaine is a fine white crystallized powder substance that is referred to by numerous names, including "coke," "snow," "freeze," and "blow." Before the dangerous effects of powdered cocaine were known, it was often used as a painkiller in the fields of medicine and dentistry. Once powdered cocaine was legally restricted and banned from soft drinks and medication, its price increased tremendously, ranging from $50 to $100 per gram.

As the demand for cocaine increased, so did the availability of supplies, which caused a substantial decrease in pricing. As a result, drug dealers discovered a way to convert powdered cocaine into a smokable form that could be sold in smaller portions but distributed to more people. This addictive version of cocaine became known as "crack." The name *crack* is attributed to the crackling noise that is made when the substance is smoked. Crack was produced by dissolving cocaine hydrochloride into water with sodium bicarbonate (baking soda), which precipitates solid masses of cocaine crystals. Unlike powder cocaine, crack was easier to develop, more cost efficient to produce, and cheaper to buy, which made it more economically accessible. Crack sold for anywhere between $5 and $20 per vial (a small capsule that contains pebble-sized pieces of crack that were approximately one tenth of a gram of powdered cocaine). Crack cocaine was noted for its instantaneous and intense high, which kept users craving for more, thus causing an upsurge in crack cocaine addictions. In 1985 alone, the number of cocaine users increased by 1.6 million people. Crack cocaine causes weight loss, high blood pressure, hallucinations, seizures, and paranoia. Emergency room visits due to cocaine incidents such as overdoses, unexpected reactions, suicide attempts, chronic effects, and detoxification increased fourfold between 1984 and 1987.

Arrival in America

Cocaine hydrochloride or powdered cocaine was a major cash crop for South American countries, especially Columbia. Up until the 1960s, very few people knew about cocaine, and the demand was very limited. As the desire for the drug increased, Colombian trafficking organizations, such as the Medellin cartel, instituted a distribution system of cocaine imported from South America into the U.S. market through the Caribbean and the South Florida coast. The successful trafficking of cocaine was aided by South American and Cuban refugees who smuggled the illicit drug by sea and air. Trafficking organizations oversaw all operations, including the conversion, packaging, transportation, and the first-level distribution of cocaine in the United States.

Crack cocaine first appeared in Miami, where Caribbean immigrants taught adolescents the technique of converting powdered cocaine into crack cocaine. These teens eventually brought the business of producing and distributing crack cocaine into other major cities of the United States, including New York City, Detroit, and Los Angeles. That trafficking continues today.

Crack Cocaine in the African American Community

The initiation of crack cocaine into socially eroded communities took place during President Ronald Reagan's term in office, when there was a structural shift that caused huge manufacturing industries to move outside the cities. Their relocation created workforce competitions that further widened the gap between social and economic segments in the inner cities of America.

Few skills and resources were needed to sell crack. Many small-time drug dealers worked independently of and outside the control of organizations, like the Medellin cartel. The rewards clearly outweighed the risk, and drug dealers immediately realized that their success depended on their survival. A small-time drug dealer who sold crack daily earned a median net income of $2,000 per month. The increase in the demand for crack cocaine caused intense competition between drug dealers as they fought to profit from the same customers. Consequently, violence became linked to crack cocaine as these small-time drug dealers defended their economic boundaries.

Murder and nonnegligent manslaughter rates had increased by approximately 19% after the emergence of crack cocaine in inner cities. There was also a 27% increase in robbery and a 50% increase in aggravated assault, which indicated the significant effect that crack cocaine had on crime. Ultimately, the prison population doubled due to the arrest of drug dealers and their customers. One in every four African American males was either incarcerated or on probation or parole by the year 1992, giving the United States the highest incarceration rate in the world. The incarceration ratio of African American males later progressed to 1 in every 4. In federal prison, between 1981 and 1986, prison admission for drug offenses had risen by 128%.

The War on Drugs

The *War on Drugs* refers to the governmental strides made internationally to impose drug laws that were declared by U.S. President Ronald Reagan in 1982. The War on Drugs efforts aimed to end the crack cocaine epidemic that was responsible for destroying so many lives. These efforts included the passing of federal anti-drug laws, increased federal anti-drug funding, the initiation and expansion of prison and police programs, and the establishment of private organizations, such as Partnership for a Drug-Free America, to campaign on its behalf. The idea of the War on Drugs was grounded in deterrence theory, whereby the implementation of legislation and harsher penalties would deter or discourage the use of drugs. The 100-to-1 ratio between powdered cocaine and crack cocaine was used as a guideline for minimal mandatory punishment. For instance, a minimum penalty of 5 years was administered for 5 grams of crack cocaine or 500 grams of powdered cocaine.

The War on Drugs played a major role in modifying incarceration rates and mandating severe sentencing. Yet, there was an immense growth in court caseloads and the prison population. The War on Drugs focused on small-time drug dealers, who were generally poor, young Black males from the inner city.

Indeed, the crack cocaine epidemic was an American prodigy. Although the consequences of crack cocaine today are not as substantial as they were during the early 1980s, there still is a crusade against the effects of crack cocaine as it continues to plague communities around the world.

Deonna S. Turner

See also Crack Babies; Crack Mothers; National African American Drug Policy Coalition; Scarface Myth; War on Drugs

Further Readings

Belenko, S. (1993). *Crack and the evolution of anti-drug policy*. Westport, CT: Greenwood.

Chatlos, C., & Chilnick, L. (1987). *Crack: What you should know about the cocaine epidemic*. New York: Putman.

Reinarman, C., & Levine, H. (Eds.). (1997). *Crack in America: Demon drugs and social justice*. Berkeley: University of California Press.

Crack Mothers

Crack mothers illustrates how the overexposure of a racial or ethnic stereotype can wrongfully influence the treatment of a specific group of people. This entry examines the social construction of crack mothers, media portrayals, prenatal effects of cocaine, and legal issues. Crack mothers are pregnant women who use cocaine. The term emerged during the mid-1980s as a part of the War on Drugs crusade launched by President Ronald Reagan. The media was mainly responsible for bringing to light the images of crack mothers as mostly Black and Hispanic, economically underprivileged urban women. Television news teams showed these women smoking crack and openly describing their drug use. This led to the stereotype of crack mothers as poor women of color who were indifferent to the health of their babies.

Cocaine became popular in the mid-1980s as a highly addictive stimulant. Cocaine users report feelings of euphoria, high energy, and erratic behavior. Crack and powder cocaine are different forms of cocaine, but they are equally addictive. The term *crack* refers to the crackling sound cocaine makes when it is heated. Crack remains a popular drug because it is easy to produce, very inexpensive, and the feeling of euphoria is reached in less than 10 seconds when smoked. Powdered cocaine is more expensive, and the high from snorting it is reached at a slower pace.

The social construction of crack mothers illustrates the intersection among race, class, and gender. The profile of maternal crack use was a Black woman in her mid-20s who came from the inner city and was on Medicaid. This bias played an important role in the unfair drug testing of mothers and continues to play a part in the criminalization of poor women of color in the War on Drugs. Moreover, the media also distinguished between mothers who used cocaine and those who used crack. Criminologist Drew Humphries, in her book *Crack Mothers,* analyzed network news images and found that cocaine mothers, mostly White middle-class women, were televised as remorseful mothers caring for their children and conforming to a life of recovery. Conversely, crack mothers were portrayed as irresponsible and reprehensible mothers.

The detrimental effects of prenatal cocaine exposure are difficult to isolate because of multiple confounding factors that may influence a child's development in the womb. For instance, mothers who use cocaine may also use other drugs and differ in prenatal care, prenatal nutrition, and socioeconomic conditions. Babies born to crack cocaine–addicted mothers were often referred to as "crack babies." This was another popular term that surfaced in the midst of the crack cocaine era of the 1980s and early 1990s. Empirical studies found that babies exposed to cocaine have higher risks of mortality, low birth weight, and patterns of neurobiological damaging effects that can affect their scholastic and physical development. However, these studies also revealed that the effects on a child's motor skills and intelligence may not be as long lasting and severe as previously suggested. Nonetheless, these children need increased assistance in everyday learning and developing sound communication and interpersonal skills.

Unlike other drug offenders, many crack mothers entered the criminal justice system via hospital testing. Hospital suspicion of drug use by pregnant women would often lead to drug testing. If a woman tested positive, hospitals would alert criminal justice officials. These women were often charged with child abuse or drug distribution. This resulted in a controversial discourse on gender, race, drugs, and the criminal justice system. A Florida study found that hospitals drug-tested pregnant Black women at higher rates than White women. The overselection of Black pregnant women was a result of a prevailing stereotype fueled by the media and reinforced by federal policies. Moreover, there was an upsurge of legal arguments about the authority of hospitals' drug-testing policies and the legitimacy of indicting these women in criminal court. The U.S. Supreme Court case *Ferguson et al. v. the City of Charleston et al.* argued that drug testing of pregnant women without their consent for the sole reason of obtaining evidence for law enforcement purposes was an unreasonable search in violation of the Fourth Amendment. In 2001, the Supreme Court ruled in

favor of the women and decided that this procedure was unconstitutional.

The media portrayal of crack mothers induced fear and alarmed the general public. Concomitant with this were the publicized War on Drugs debates, which introduced stringent and punitive policies that adversely affected minorities and had a direct impact on destitute crack-addicted mothers. The movement against crack mothers was just one chapter in the wide-ranging War on Drugs. The augmented attention to crack mothers disproportionately criminalized women of color and perpetuated the negative gendered stereotype of this racial group. However, by the mid-1990s the media had changed their outlook on crack mothers and began portraying them as women who were remorseful and in need of drug treatment. More drug treatment programs for drug-addicted mothers began to emerge, and the crack mother stigma began to fade away. In the end, the crack mother phenomenon is another example of the marginalization of people on the basis of race/ethnicity and of the partialities in the criminal justice system in the United States.

Vivian Pacheco

See also Crack Babies; Crack Epidemic; Drug Use; Media Portrayals of African Americans; War on Drugs

Further Readings

Ferguson v. City of Charleston, 532 U.S. 67, 149 L. Ed. 2d 205, 121 S. Ct. 1281, 2001 U.S. LEXIS 2460 (2001).

Humphries, D. (1999). *Crack mothers: Pregnancy, drugs and the media.* Columbus: Ohio State University Press.

National Institute of Drug Abuse. (2004). *Cocaine abuse and addiction: Research Report Series*. Rockville, MD: National Institutes of Health.

Crime Statistics and Reporting

A prominent feature of the race/crime nexus in the United States is the racial disparity found in arrest statistics. Although self-report surveys suggest fewer racial differences in offending than do police-generated statistics, the media frequently focuses on crimes known to the police. To facilitate a better understanding of the relationship between race and crime, this entry focuses on two sources of national crime statistics: the Uniform Crime Reporting (UCR) Program, administered by the Federal Bureau of Investigation since 1930, and the National Crime Victimization Survey (NCVS), conducted by the U.S. Census Bureau since 1973 for the Bureau of Justice Statistics.

The UCR collects data on murder and nonnegligent manslaughter, forcible rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft, and arson (traditionally known as Part I crimes), in addition to 21 other criminal offenses. Beginning in the late 1980s, the National Incident-Based Reporting System (NIBRS) was inaugurated to provide in-depth information on six types of data segments: administrative, offense, victim, property, offender, and arrestee. Nonetheless, these data provide little usable information, as only 36% of the reporting agencies are currently certified for NIBRS participation. An annual report, *Crime in the United States,* documents information on crimes known to the police, crime trends, law enforcement personnel, and characteristics of homicides. Also published annually by this program are *Law Enforcement Officers Killed and Assaulted* and *Hate Crime Statistics*.

In 1993, the NCVS was modified to collect more detailed information on rape, sexual assault, personal robbery, aggravated and simple assault, household burglary, theft, and motor vehicle theft. A nationally representative sample of persons ages 12 and over from approximately 43,000 households is interviewed twice annually. Unlike the UCR, the NCVS includes crimes not reported to law enforcement. Results of the survey are reported annually in *Criminal Victimization in the United States*.

The *Uniform Crime Reports*

The Federal Bureau of Investigation's publication *Crime in the United States* employs four racial categories: White, Black, American Indian or Alaskan Native, and Asian or Pacific Islander. Not included in the data is ethnicity. Beginning in 1960, a Crime Index was calculated using the first seven crimes listed in the Part I crimes cited previously. The Crime Index was later modified to include the crime of arson. Criticism of the Crime

Index led to the suspension of the Crime Index category in 2004. The eight Part I offenses are still used in the calculation of violent crime and property crime rates in the United States.

Table 1 enumerates the arrests for Part I offenses by race for the year 2006. Racial differences in arrests are readily apparent. Examining arrest percentages separately for each racial group highlights one of the controversies surrounding these statistics. Three of the highest arrest percentages for Whites involve offenses from the property crime index. Arson (76%), burglary (69%), and larceny-theft (68.6%) represent the top three offenses for which Whites are arrested. A different picture emerges when Blacks are examined. Three of the top four crime categories are violent crimes: robbery (56.3%), murder and nonnegligent manslaughter (50.9%), and aggravated assault (34.5%). Only motor vehicle theft (34.9%) involves a nonviolent crime. Moreover, the violent crime and property crime indexes reflect these racial differences: the higher index for Whites is the property crime index (68.2% for property crimes versus 58.5% for violent crimes), whereas the higher index for Blacks is the violent crime index (39.3% for violent crimes versus 29.4% for property crimes). Because the percentages for the racial categories of American Indian or Alaskan Native and Asian or Pacific Islander provide little variation (from 0.7% to 1.4%), these racial groups tend to be largely ignored in the criminal justice literature. Consequently, researchers focus on racial differences between White and Black arrestees.

Placing Racial Differences in Offending in Perspective

Interest in racial differences in offending has generated research aimed at explaining the ostensibly greater propensity of African Americans to engage in violent behavior. Theories such as Wolfgang and Ferracuti's (1967) subculture of violence theory have suggested differences in cultural values between minorities and nonminorities. Yet such explanations fail to capture the many similarities that exist between African American and White offenders while exaggerating their differences. A more critical examination of this issue is therefore warranted.

The eight offenses of the violent crime and property crime indexes comprised only 15.1% of the total arrests in the United States for 2006. To generalize from such a small number of arrests may not be prudent. An alternative to this is to examine all 29 offenses contained in the UCR to determine the most common offenses for which Whites and African Americans are arrested. Excluding the miscellaneous category "all other

Table 1 Part I Offense Arrests in the United States in 2006 by Race

	Percentage Distribution				
Offense charged	*Total*	*White*	*Black*	*American Indian or Alaskan Native*	*Asian or Pacific Islander*
Murder and nonnegligent manslaughter	9,801	46.9	50.9	1.1	1.1
Forcible rape	17,042	65.3	32.5	1.1	1.1
Robbery	93,393	42.2	56.3	0.7	0.9
Aggravated assault	326,721	63.2	34.5	1.2	1.1
Violent crime	446,957	58.5	39.3	1.1	1.1
Burglary	221,732	69.0	29.2	1.0	0.9
Larceny-theft	798,983	68.6	28.9	1.2	1.3
Motor vehicle theft	100,612	62.7	34.9	1.0	1.4
Arson	11,972	76.0	21.6	1.0	1.4
Property crime	1,133,299	68.2	29.4	1.1	1.2

Source: U.S. Department of Justice, Federal Bureau of Investigation (2006), Table 43.

offenses (except traffic)," Table 2 lists the most common crime categories involving arrest separately for Whites and African Americans. By ranking each crime category according to the number of arrests separately for Whites and African Americans, one can see a *pattern* of offending for each group. When viewing the 10 most common crimes that led to arrest, one is struck by the similarities rather than the differences. Eight of the 10 most common offenses leading to arrest are the same for each group: aggravated assault, burglary, larceny-theft, other assaults, drug abuse violations, driving under the influence, drunkenness, and disorderly conduct. Although the relative rank may vary somewhat (e.g., drug abuse violations are the most common crime for which Blacks were arrested in 2006, whereas drug abuse violations represented the second most common crime for Whites), the racial groups are more homogeneous than would be anticipated if only Part I crimes were analyzed. It thus appears that the typical crimes for which Whites and Blacks are arrested are more similar than dissimilar, thereby raising questions about the earlier assumption that African Americans and Whites differ substantially in their propensities toward violent and property crimes.

That being said, the UCR clearly reveals racial disparities in arrests. Despite comprising less than 13% of the general U.S. population, Blacks represented 28% of those arrested in 2006. When broken down by age, younger Blacks are somewhat more likely than their older counterparts to be arrested. In 2006, Blacks under the age of 18 constituted 30.3% of all youths arrested. For persons 18 and over, Blacks comprised 27.6% of the adults arrested. For Whites, who account for nearly 80% of the general population in the United States, the percentages were 67.1% and 70.1%, respectively, suggesting that White adults were somewhat more likely than White youths to be arrested.

When focusing on the property crime and violent crime indexes, an interaction between race and age is found. Whereas only 37% of adults arrested for a Part I violent crime were Black, 51% of youths (under 18 years of age) arrested for a Part I violent crime were Black. Conversely, White adults (60.8%) were more likely than White youths (47%) to be arrested for a Part I violent crime. Age does not appear to play a major role in Part I property crime arrests, however. Whereas 30.9% of all youths arrested in 2006 for a Part I property crime were Black, 28.9% of all adults arrested that year for a Part I property crime were Black. Similarly, White youths accounted for 66.3% of those arrested for a Part I property crime compared to 68.9% of their adult counterparts.

Nevertheless, inferring criminal behavior from arrest statistics should be treated with caution, as the UCR data contain numerous shortcomings.

Table 2 Most Common Offenses Resulting in Arrest by Race in the United States for 2006

Whites		
Rank	*Offense charged*	*Number of arrests*
1	Driving under the influence	914,226
2	Drug abuse violations	875,101
3	Other assaults	619,825
4	Larceny-theft[a]	548,057
5	Liquor laws	398,068
6	Drunkenness	344,155
7	Disorderly conduct	325,991
8	Aggravated assault[b]	206,417
9	Vandalism	165,518
10	Burglary[a]	152,965
Blacks		
Rank	*Offense charged*	*Number of arrests*
1	Drug abuse violations	483,886
2	Other assaults	306,078
3	Larceny-theft[a]	230,980
4	Disorderly conduct	179,733
5	Aggravated assault[b]	12,645
6	Driving under the influence	95,260
7	Burglary[a]	64,655
8	Weapons: carrying, possessing, etc.	59,863
9	Fraud	59,087
10	Drunkenness	54,113

Source: Calculated from data from U.S. Department of Justice, Federal Bureau of Investigation (2006), Table 43.

Note: Excluding "all other offenses (except traffic)."

a. Included in the property crime index calculated by the Federal Bureau of Investigation.

b. Included in the violent crime index calculated by the Federal Bureau of Investigation.

Because the UCR includes only crimes known to the police, failure on the part of police to detect crime and underreporting by the public may distort the racial distribution of offending. Self-reports of offending by juveniles suggest that the police are perhaps aware of only 10% to 20% of all youthful misbehavior. Moreover, since not all offenses known to the police become part of the official record, police discretion may influence the racial distribution of arrests. Criminologists have observed that police discretion may be influenced by the presence or absence of a complainant, preferences of the complainant (e.g., to release the suspect or take the suspect into custody), the demeanor of the suspect, and departmental policies, among others. Critics of the data also note that the War on Drugs, being focused on inner-city neighborhoods in general and crack cocaine in particular, disproportionately affects people of color. Powdered cocaine, more expensive to purchase and therefore more likely to be used in affluent suburbs, is more difficult for the police to detect than crack cocaine, whose drug transactions are more likely to occur on the street.

Differential treatment by law enforcement has been documented by numerous researchers. For example, an analysis of aggravated assault charges in Duvall County (Jacksonville), Florida, disclosed that police routinely overcharged African Americans with violent crime. During the 3 months covered in the investigation, more than three fourths of the initial charges of aggravated assault (a Part I offense used in calculating the violent crime index) were downgraded either to simple assault or to a misdemeanor. Most recently, the differential handling of African American and White youths in Jena, Louisiana, illustrates the need to approach official crime data with some skepticism.

The National Crime Victimization Survey

The National Crime Victimization Survey (NCVS) provides some additional information on crime. Although crime victims may fail to report their victimizations to the NCVS, and the perceived race of the offender is subject to human error (including racial stereotypes), the NCVS can be used to estimate the extent to which crime is intraracial (between persons of the same race) or interracial (between persons of different races). An examination of the survey for 2005 reveals that Whites are only slightly more likely than their Black counterparts to identify the race of the offender as a person of the other race for crimes of violence (rape or sexual assault, robbery,and assault). In violent crimes against Whites, the perceived race of the offender was Black in 13.5% of the single-offender victimizations. By contrast, 10.4% of the Black victimizations involved White offenders. Overall, the statistics demonstrate the intraracial nature of much violent crime. Although 27.7% of the White victimizations and 20.5% of the Black victimizations resulted in the race of the offender not being identified, 49% of the White victimizations were perceived to be perpetrated by Whites, whereas 63.5% of the Black victimizations were perceived to be perpetrated by Blacks.

Summary

Although both data sources have shortcomings, some racial differences are apparent. African Americans tend to be more likely to be arrested for crimes against the person, whereas Whites tend to be more likely to be arrested for property crimes when limiting the analysis to Part I offenses. When all 29 offenses contained in the UCR are included, however, the most common offenses for which Whites and African Americans are arrested are quite similar. Nonetheless, given the subjective nature of arrest data, generalizations should be drawn with caution. Victimization data further reveal that whereas White victims of violence are slightly more likely to identify their perpetrator as Black than Black victims of violence are to identify their perpetrator as White, violent crime in general tends to be intraracial in nature.

Marvin D. Free, Jr.

See also Death Penalty; Disproportionate Arrests; Disproportionate Minority Contact and Confinement; Hate Crimes; Interracial Crime; Jena 6; Juvenile Crime; Profiling, Ethnic: Use by Police and Homeland Security; Profiling, Racial: Historical and Contemporary Perspectives

Further Readings

Miller, J. (1996). *Search and destroy: African American males in the criminal justice system*. New York: Cambridge University Press.

U.S. Department of Justice. (2006). *Criminal victimization in the United States, 2005*. Washington, DC: Bureau of Justice Statistics.

U.S. Department of Justice, Federal Bureau of Investigation. (2007). *Crime in the United States, 2006*. Retrieved from http://www.fbi.gov/ucr/cius2006

Wolfgang, M., & Ferracuti, F. (1967). *The subculture of violence*. London: Tavistock.

Criminalblackman

The term *criminalblackman* refers to the myth of the Black man as a criminal. Katheryn Russell-Brown first used this expression when referring to the stereotyping of minorities as criminals. The term exemplifies the culmination of fear that many Whites have of Black men. Stereotyping of the Black race began with slavery. A portion of the justification for slavery included the idea that Blacks were inferior and animal-like. Shortly after the emancipation of slaves, stereotyping depicted members of the Black race as dangerous people, prone to criminality. This type of stereotyping was used to keep Blacks in their place and provide a form of justification for violence against the Black race. The image of the Black man as a rapist fueled both fear and violence. During the 1970s and 1980s, the Black male became labeled as a criminal predator, otherwise referred to as the "criminalblackman."

Fear of the Black man has been created by those in a position to benefit from such fear. For decades, politicians have emphasized their "tough on crime" approaches in running for office. Perhaps the most popular example of dislodging an opponent is George H. W. Bush's use of Willie Horton as a criminal poster child to discredit his opponent, Michael Dukakis, during the 1988 presidential campaign. A rape committed by Horton, a Black man, while out of prison on work furlough focused fear of crime on the Black race and further stereotyped Black men as predators. It especially enhanced the stereotype of the Black male as a rapist who seeks out White women to victimize.

It is well established that the media perpetuates myths and misconceptions about crime and criminals. Newspapers and news broadcasters have overemphasized the Black male as criminal. Statistically, Whites commit the majority of crimes, yet the public perceives the Black male as the greater threat for crime. There is more negative than positive representation of the Black male in newspapers, in magazines, and on television newscasts. Ted Chiricos and Sarah Eschholz found that Black males are 2.4 times as likely to be represented as criminal on local news broadcasts than are White males. The media shapes images for the public to adopt into thought, thus contributing to society's stereotyping of the Black male as criminal.

The myth of the criminalblackman is perpetuated by governmental policies and a system that targets the Black male as a criminal. The entranceway for the criminal justice system begins with the police. Police efforts are dictated by the "War on Drugs," "War on Crime," and the "War on Gangs." All of these "wars" depict the young inner-city Black male as the enemy and further stereotype the Black male as a criminal. The police carry these stereotypes into work, sometimes unconsciously. In part because of legislation such as the War on Drugs, police primarily target minority youth in urban areas. Discretion given to the police under the "war" directives allows them to focus investigative efforts toward minorities and away from the more affluent. These "wars" have also provided enough grounds in some states for pulling over cars driven by Black males. This "driving while Black" is more accurately called "racial profiling."

The media's depiction of the Black crack user is a prime example of how society adopts a stereotype. Cocaine was already widely used in America, primarily by Whites, when the more affordable form, known as "crack," became popular among Blacks. As the media paid special attention to the emergence of the new drug in the 1980s, it brought society's focus to the "crack epidemic" that was supposedly sweeping through the country. The media depicted Black crack users as violent, psychotic drug users, out of their minds, and willing to commit violent crimes in order to support their habit. Due to media attention of this nature, society began to associate crack with crazed and dangerous Blacks. The media just contributed to the stereotypes associated with the War on Drugs.

There have been cases in which White offenders have used fear of the Black male to their advantage by creating a racial hoax in which they accuse a Black male of committing the crime in order to deflect suspicion. Stereotyping and fear of the Black male can result in the authorities believing that there was a Black perpetrator when in fact the individual providing the description actually committed the crime. A 1994 example of a racial hoax involved Susan Smith, a South Carolina woman, who reported that a Black man stole her car and her children who were still in the car. For several days, she spoke in front of television cameras pleading for their safety. She later confessed to murdering her children.

Stereotyping and treatment that leads to the myth of the criminalblackman may be outwardly insignificant in any one area of society; it is rather an accumulated result of history, politics, media, and social policies. Within the legal system, racism begins with police surveillance focused primarily on poor minority youth and culminates with sentencing that is harsher and disproportionately applied to this stereotyped class. Media coverage and society's fear further contributes to the myth of the criminalblackman.

Patricia L. Brougham

See also Consumer Racial Profiling; Media Portrayals of African Americans; ***Powell v. Alabama***; Profiling, Racial: Historical and Contemporary Perspectives; Racial Hoax; War on Drugs

Further Readings

Barlow, M. (1998). Race and the problem of crime in "Time" and "Newsweek" cover stories, 1946 to 1995. *Social Justice, 25*(2), 149–184.

Kappeler, V., & Potter, G. (2005). *The mythology of crime and criminal justice* (4th ed.). Long Grove, IL: Waveland.

Merlo, A., & Benekos, P. (2000). *What's wrong with the criminal justice system: Ideology, politics, and the media.* Cincinnati, OH: Anderson.

Petersilia, J. (2004). Racial disparities in the criminal justice system: A summary. In B. Hancock & P. Sharp (Eds.), *Public policy, crime, and criminal justice* (pp. 80–95). Upper Saddle River, NJ: Prentice Hall.

Russell-Brown, K. (1998). *The color of crime: Racial hoaxes, White fear, Black protectionism, police harassment, and other macroaggressions.* New York: New York University Press.

Tonry, M. (1995). *Malign neglect: Race, crime, and punishment in America*. New York: Oxford University Press.

Walker, S. (2006). *Sense and non-sense about crime and drugs* (6th ed.). Belmont, CA: Thomson Wadsworth.

Welch, K. (2007). Black criminal stereotypes and racial profiling. *Journal of Contemporary Criminal Justice, 23*(3), 276–288.

Zatz, M. (2000). The convergence of race, ethnicity, gender, and class on court decisionmaking: Looking toward the 21st century. In *Criminal justice 2000: Vol. 3. Policies, processes, and decisions of the criminal justice system* (pp. 503–552). Washington, DC: U.S. Department of Justice, Office of Justice Programs.

Critical Race Theory

Despite the relatively recent appearance of critical race theory (CRT) in academia, it has become an indispensable perspective on race and racism in America. CRT launched what many race scholars now take as a commonsense view: the view that race, instead of being biologically grounded and natural, is socially constructed. However, unlike some views that argue that aspects of race should be eliminated from everyday speech, thought, and scholarship, CRT maintains that race, as a socially constructed concept, functions as a means to maintain the interests of Whites who construct(ed) it and is an indispensable lens from which to view the problem of racism. According to CRT, racial inequality emerges from the social, economic, and legal differences Whites create between "races" to maintain elite White interest in labor markets and politics, and as such create the circumstances that give rise to poverty and criminality in many minority communities. In this regard, CRT holds that the laws and policies in the United States will always be geared toward people of color's detriment and as such have focused their scholarship on the ways in which people of color are punished by White legal institutions. CRT is interested in both in how the actions of White institutions create and maintain the conditions of "racial criminality," and, more important, how White structures and governing entities punish and persecute these constructions of "racial criminality" on the gendered bodies of racialized people.

Though the intellectual origins of the movement go back much further, the movement

officially organized itself in July 1989, marking its separation from critical legal studies (CLS). Instead of drawing theories of social organization and individual behavior from continental European thinkers like Hegel and Marx or psychoanalytic figures like Freud as its theoretical predecessors (CLS and feminist jurisprudence), CRT was inspired by the American civil rights tradition through figures like Martin Luther King, Jr., and W. E. B. Du Bois, and from nationalist thinkers such as Malcolm X, the Black Panthers, and Frantz Fanon. Being steeped in radical Black thought and nationalist thinking, critical race theory advanced theoretical understandings of the law, politics, and American socio- logy that focused on the efforts Whites have historically used to maintain colonialism and White supremacy against people of color.

Given the ways in which race is defined and contoured by the interests of Whites in American society, CRT exposes a sociocultural component of the American race problem and the rampant incarceration of people of color. CRT holds a guarded pessimism about the racial conditions in the United States; even though Whites seek to maintain power and keep America a White republic, people of color, especially Blacks, are demonized as criminals and victimized by the courts, the police, and the everyday stereotypes of White America. Critical race theorists maintain that racism in America is normal, not aberrant, and as such, the laws, policies, and justice system are all built to maintain the power and historical stature of Whites. Though crime and criminal justice comprise a relatively small portion of CRT scholarship, critical race theorists have introduced novel claims that range from arguments maintaining the criminal justice system is fundamentally racist to positions that contend that White male experiences form the basis of the actions committed by a reasonable person under duress. This entry briefly discusses the origins of CRT and outlines some of its major theoretical contributions to analysis of race and crime.

Origins of the Movement: Bell's Interest Convergence and Racial Realism

The foundational writings of critical race theory began in the late 1960s from the legal scholarship of Derrick Bell and Alan Freeman. These writings focused specifically on the reduction of gains of the civil rights era thought to be won in 1964 and the rollback of the integrationist agendas set forth in *Brown v. Board of Education* (1954). In Derrick Bell's earlier works (throughout the 1970s), Bell argued the gains of Blacks were inextricably wed to the temporary alignment of the self-interests of elite Whites and the interests of Blacks or the interest convergence between White interests and Black aspirations. This body of work led to a critical examination of integration, school desegregation, and the newly instilled privileges of the civil rights era and maintained that integration was a political consequence of U.S. attempts to maintain soft power legitimacy against communism during the cold war.

This argument, however, was mild in contrast to the thesis Bell introduced in the early 1990s. In 1992, Bell authored "Racial Realism," an article in which he argued that equality was both impossible and illusory in the United States; he argued that Blacks must accept that racism and Black subordination is a permanent and integral part of American society. In two subsequent articles titled "The Racism Is Permanent Thesis" and "Racism Is Here to Stay: Now What?" published the same year, and his 1993 book titled *Faces at the Bottom of the Well: The Permanence of Racism,* Bell reinforced his argument over the nature of anti-Black racism and urged Blacks to resist the idea that automatic progress in race relations accompanied the civil rights era.

Though this view does not explicitly attend to a specific analysis of crime and criminality, it lays the foundations for the perspectives many critical race theorists hold to be the philosophical underpinning of their perspectives that link the sociocultural to institutional and structural racism. In the years to follow, many of the theories articulated by Derrick Bell were used in the perspectives of emerging critical race theorists in looking to the legal aspects of the criminal justice system.

Critical Race Theories of Crime

Building on the normalness of racism, critical race theorists have taken various approaches in the analysis of criminality that seek to investigate how minority populations in the United States become majority populations in the criminal justice

system. According to Richard Delgado's 1994 article "Black Crime, White Fears—On the Social Construction of Threat," Black crime is constructed to be a problem by Whites. While it is undeniable that some Blacks, Latina/os, and other minorities commit crimes, it is not the case that this crime is race specific. CRT wants to point out that there is a sociocultural construction that creates the ideas of Black crime, Hispanic crime, and so on, and the mythology of race-specific crime (i.e., Black crime) is a means by which Whites justify the historical vulnerability people of color suffer at the hands of dangerous Whites. By constructing crime as race specific, American society and its White beneficiaries make crimes involving Blacks or other minorities seem natural and endemic to that group, making punishment a far more likely course of action than rehabilitation. Under these conditions, judges, lawyers, and law enforcement agencies would be more likely to treat various racial groups differently based on the prevalent racial stereotype playing out in the national imagination and justify their actions on that constructed threat.

Given this sociocultural construction of racial criminality, some authors have asserted a particularly nationalist or separatist analysis of race and crime. These authors claim that the dereliction of the U.S. government in protecting Black communities, and the lives of people of color both from White violence and violence within their communities, justifies pushing "The Second Amendment: Towards an Afro-Americanist Reconsideration." While very few authors have pursued Robert Cottrol and Raymond Diamond's course of action, which argued for a radical interpretation of the Second Amendment in the U.S. Constitution that justifies Blacks to take up arms to protect their communities, subsequent writings in CRT have continued to confirm the unchanging reality of racism in the criminal justice system.

In Paul Butler's infamous 1995 article "Racially Based Jury Nullification: Black Power in the Criminal Justice System," he argues that it is better for some nonviolent Black offenders to stay in the Black community rather than be sent to prison. Accepting that the criminal justice system is fundamentally racist and will seek unjust means of punishment rather than rehabilitation, Butler argues that jury nullification, or the practice by which a jury acquits an offender they believe is guilty for political or racial considerations, is the best way to challenge the White supremacy of the criminal justice system. By making rehabilitation rather than punishment the focus of Black deviance, Butler argues that Blacks can begin to protect their own communities without dependence on or interference from White intervention.

Other scholars like Cynthia Lee and David Harris have discussed the actions that Whites take against people of color they perceive as threats. In Lee's work, she discusses the overt privilege White male reactions, some of which included murder, have in determining reasonable actions in criminal cases involving people of color, while Harris focuses on the irrationality and myth making that sustains racial profiling.

Gender Analyses of Crime in CRT

As an analytical perspective, CRT is primarily housed in the legal academy, and as such the analysis of gender and race in questions of criminality is largely dictated by the effects the law and other legal entities have on particular people of color, both male and female. Despite the predominant effects that the criminal justice system has on African American and Hispanic males, most CRT scholarship on gender focuses on the critical race feminist perspective.

Kenneth B. Nunn's article titled "Race, Crime and the Pool Surplus of Criminality: Or Why the War on Drugs Was a War on Blacks" is a classic work that articulates a gendered reality of racial criminality. Nunn argued that the War on Drugs is in reality a political program designed specifically to incarcerate African American males. Borrowing from the work of Michael Tonry, Nunn argues that the U.S. government knowingly instituted a War on Drugs despite the overall decrease of drug use in the United States and the drastic decline of drug use in White middle-class communities. According to Nunn, the choice of the U.S. government to focus on supply reduction (those who sold the product) over demand reduction (those who produced and wanted the product) was the consequence of a specific anti-Black cultural and racist political regime. As such, racial profiling became a surefire way to increase the

presence of Black and Hispanic males, since the political climate presupposes they deal drugs. As CRT, Nunn's work exemplifies the structural analysis of crime. Nunn focuses on the structure and intent of the criminal system and then the effects that system has on people of color by enforcing racial bias.

Other CRT analyses speak directly to the experiences of women of color and have included feminist perspectives in their analysis of race and crime. In Kimberle Crenshaw's groundbreaking essay on intersectionality titled "Mapping the Margins: Intersectionality, Identity Politics and Violence Against Women of Color," Crenshaw argues that racial politics overlook the role of sex in antiracist strategies. In domestic violence and rape cases, Crenshaw argues that Black women's identities are measured up against the experience of White women. In such cases, Crenshaw argues that remedies to reduce the occurrence of domestic violence and rape in minority communities are ineffective because they do not address the intersection of race and sex in battery. Crenshaw's work argues for a unique Black female perspective that should be used when investigating Black women.

Following the success of intersectional analysis in CRT, Dorothy Roberts wrote *Killing the Black Body: Race Reproduction and the Meaning of Liberty*. Expounding on her argument in "Punishing Drug Addicts Who Have Babies," Roberts argued that Black female sentencing in the criminal justice system frequently involves some type of birth control and in some cases forced sterilization. According to Roberts, Black women are often encouraged to relinquish their reproductive liberties in exchange for reduced jail times and lesser offenses. Continuing the argument from her earlier work, Roberts also contends that Black pregnant mothers found to be on drugs were blamed for the cycle of poverty in Black communities, and as such, long-term birth control contraceptives such as Norplant were seen as a remedy to Black economic woes.

Current Trends

Recent scholarship in CRT has failed to attend to the structural and sociocultural explanations of crime, poverty, and Black victimization. Recent scholars like Reginald Robinson have argued for psychoanalytic and existential positions that hold that Blacks are the root cause of their own suffering. Robinson maintains that Blacks' marriage to racial identity is the root cause of poverty.

CRT has adamantly maintained the involvement of White institutions and White political and cultural interest in defining the relationship between race and crime. Rather than abandoning the rich racial realist tradition that defined more than 2 decades of CRT scholarship, future work in CRT could expand on the constructive ways in which people of color can adequately challenge the permanence of racism in America.

Tommy Curry

See also Conflict Theory; Domestic Violence; Jury Nullification; Racism

Further Readings

Bell, D. (1980). *Brown v. Board of Education* and the interest convergence dilemma. *Harvard Law Review, 93*, 518–533.

Bell, D. (1992). Racial realism. *Connecticut Law Review, 24*, 363–379.

Bell, D. (1992). Racism is here to stay: Now what? *Howard Law Journal, 35*, 79–93.

Bell, D. (1993). *Faces at the bottom of the well: The permanence of racism*. New York: Basic Books.

Butler, P. (1995). Racially based jury nullification: Black power in the criminal justice system. *Yale Law Journal, 105*, 677–725.

Butler, P. (2004). Much respect: Toward a hip-hop theory of punishment. *Stanford Law Review, 56*, 983.

Cottrol, R., & Diamond, R. (1991). The Second Amendment: Toward an Afro-Americanist reconsideration. *Georgetown Law Journal, 80*, 309–361.

Delgado, R., & Stefancic, J. (2001). *Critical race theory: An introduction*. New York: New York University Press.

Nunn, K. (2002). Race, crime and the pool surplus of criminality: Or why the War on Drugs was a war on Blacks. *Journal of Gender, Race, and Justice, 6*, 381–445.

Robinson, R. (1991). Punishing drug addicts who have babies: Women of color, equality, and the right of privacy. *Harvard Law Review, 104,* 1419–1482.

Robinson, R. (2000). Expert knowledge: Introductory comments on race consciousness. *Boston College Third World Law Journal, 20*, 145–182.

Critical White Studies

The centrality of race in social, economic, and political discourse has been devoid of much discussion of White identity or the experience of being a White person. Whites have primarily been the subject of studies examining their prejudices toward a given group as opposed to a more phenomenological account of the experience of being White. However, these works mainly discuss how power is maintained among Whites and the importance of race relations in the current social milieu. In order to understand the White experience as a distinct identity, many scholars, particularly in sociology and cultural studies, have called for an examination of how Whiteness shapes social life. The field is still incipient, but a few clear concepts and themes have emerged in recent years.

It is important to note that theorizing and deconstructing Whiteness has not been completely neglected in critical race theory. Several sociologists note the work of seminal scholars W. E. B. Du Bois, bell hooks, and Molefi Kete Asante, among others, as central to understanding Whiteness as a unique identity and position of social privilege. In other words, these thinkers tried to expose Whiteness as an identity that must be discussed in relation to other racial groups; Whiteness should not be approached as the absence of color but another political category worthy of thorough analysis. In addition, many groups, such as Jewish and Hungarian immigrants, were not considered "White" as a central part of their identity upon arriving in America. For example, Black people were often referred to as Irishmen in American racial slang, while Jews were often discriminated against as non-White or even referred to with racial slurs often directed at African Americans. Thus, the mercurial nature of what and who is considered "White" suggests the conflict and ambiguity surrounding American racial identities. Many European Americans were not initially considered.

Theorizing Whiteness

Particularly in the 1980s, as groups such as Native Americans and African Americans began to clearly assert a multicultural racial identity in the public domain, some discussion of the White identity began to emerge in academe. Much of this discourse did not unfold into a cohesive body of theory, and only recently have more lucid themes emerged.

The key premise upon which critical White studies is based suggests that Whiteness is simply a social construction as opposed to a natural outcome but nonetheless with consequences for both Whites and non-Whites. Whiteness is, for these theorists, more of a social and cultural marker, a barrier between groups that creates distinct spaces between racial constructions and their resultant influence on identities. In addition, because racial identities are about the separation of groups into power structures and hierarchies, they are often inextricably linked to politics.

More precisely, Whiteness arises only in relation to that which is non-White; one depends on the other to extract cultural meaning. For White people, the meaning of this idea is linked to a certain "privilege" linked to skin color; thus, the skin serves as a marker about the status of a given individual or group of people. In the case of Whiteness, this racial marker represents, for critical White studies, a marker of dominance. That is to say, White people dominate many public institutions throughout many parts of the world; the White person is seen as a kind of baseline for human righteousness.

Because Whiteness can be theorized as a generalized social privilege, there are ways of dressing and behaving that are seen as ideals of Whiteness. Particular values and ways of behaving are championed as "White" and part of a dominant racial identity. For example, homosexual or infirm White men may sacrifice the inherent privilege of Whiteness. Further, some sociologists have drawn a parallel from growing scholarship on masculinity in that there are hegemonic standards of conduct for dominant groups in society (e.g., heterosexuality). Many times in the media, these ideals of masculinity and Whiteness are visible in body types, fashion, and general behavior, with many notable celebrities personifying these ideals.

Inequality Within Whiteness

Critical White studies seek to deconstruct this baseline in the hopes of understanding what standards underpin this White ideal and how they might be altered. In addition, recent works have

examined how the category and identity of Whiteness is stratified and the source of inequity from within its own racial ranks. Many of the inequalities that exist between Whites and other races, such as wealth or social status, are present among Whites. Although a general social privilege of being White may exist, the race itself contains many tensions and inequalities.

Moreover, specific areas or states or nations may promote one form of dominant White ideals over another. There exist certain phenotypes and ways of comportment for Whites that may gain ascendancy over another. Different segments of the same White population may become opposed as one form of White standards attempts to come to the forefront of discourse at the expense of another. Thus some scholars have discussed dominant forms of Whiteness in certain media outlets and political discourses; thus being able bodied, White, male, and married would be an example of an ascendant or ideal type. This example illustrates a constellation of certain traits and social designations that bestow privilege and a dominant status.

Conclusion

Critical White studies seek to understand the origins and importance of Whiteness and its significance in social life. Both inter- and intraracial conflict fall within the domain of this field as the ascendant forms of social, economic, and even physical discourse are many times dominated by a paradigm of Whiteness. In order to create a more just society, Whiteness and White privilege must be removed from this privileged position, and a new authority encompassing a multicultural framework must emerge. Finally, Whiteness stands in relation to inequality and must be recognized as a privileged and distinct identity.

Brent Funderburk

See also Critical Race Theory; Immigrants and Crime; White Crime; White Privilege

Further Readings

Du Bois, W. E. B. (2006). *The souls of Black folk*. West Valley City, UT: Walking Lion Press. (Original work published 1903)

hooks, b. (1989). *Talking Black*. Boston: South End Press.

Stefancic, J., & Delgado, R. (Eds.). (2001). *Critical race theory*. New York: New York University Press.

Cultural Literacy

E. D. Hirsch, Jr., published the national bestseller *Cultural Literacy* in 1987, thereby sparking a lively debate about the value and desirability of a national educational canon. This debate was based, in part, on an incomplete understanding of Hirsch's proposition; nevertheless, many concluded that the foundation of his argument was rooted in a privileging of the educational worldview of the White, Protestant, and male. A few years later, Terence Thornberry and then Larry Siegel and Marvin Zalman published separate articles on cultural literacy within the study of criminology and criminal justice, respectively. Their arguments were similarly met with criticism for the perceived overreliance on the works of White male scholars in their respective fields. This entry defines cultural literacy in the general sense, discusses the nature of the criticism against it, then turns to the specific cultural literacies of criminology and criminal justice, along with the criticism against them.

Cultural Literacy and General Education

Cultural literacy as conceptualized by Hirsch relates to one's ability to participate in one's culture at a highly competent level. As such, many view this definition of cultural literacy as having roots in anthropological notions of culture. That is, *culture* is defined as the shared meanings, values, behaviors, expectations, and beliefs, among other things, that people living in the same society participate in. As such, to be literate in one's culture assumes a shared experience and understanding of that culture and an ability to draw on and extend from that shared understanding when communicating with others of the same culture. The shared communication and understanding are based on the notion of the schema. A *schema* is a person's sense of what is happening, and what should happen, based on past experience and knowledge. New schemas may be created from

existing ones by expanding or linking them to create new meaning. In this sense, schemas are rooted in the individual and form the basis of one's understanding of the world. However, schemas also exist on a cultural level, and a shared understanding of cultural schemas is the basis of the concept of cultural literacy. For example, jokes about public figures, sports teams, or other cultural icons make sense only to people who are familiar with those icons—people who share those cultural schema. When people living in the same society do not share cultural understanding, communication between them is limited and thereby limiting to those whose cultural knowledge is narrow and/or different from others. Cultural communication is most effective when all participants share the same knowledge and understand cultural schemas in the same or similar ways.

The cultural literacy movement sparked by Hirsch's book was an attempt to address a perceived lack of general shared cultural knowledge in U.S. society. However, the shared cultural knowledge he assumed many Americans lacked was modeled on a Western, classical, and traditional educational foundation seen as belonging mainly to upper-middle-class, White males, which many define as the mainstream of American culture. One of the outcomes of the movement was the creation of a series of lists of what every American should know (sometimes referred to in subsequent debates as Hirsch's "canon"). Critics of the cultural literacy movement contend that the United States is a plural or at least multicultural society and that there is no single culture, but rather multiple cultures all with their shared understandings and schemas. Advocates for the multicultural understanding of U.S. society claim that cultural literacy unfairly privileges the Western canon at the expense of other coexisting cultural heritages.

Cultural Literacy and the Study of Crime

Applying the term *cultural literacy* to criminology and criminal justice necessarily narrows the scope from general cultural knowledge to specific foundational frameworks in these disciplines. In 1990–1991, two articles were published as a result of a general discussion of what would constitute a cultural literacy of criminology and criminal justice. The first, written by Thornberry (1990), alters the use of the term *cultural literacy* to mean a core body of knowledge that advanced students and scholars in the field of criminology should be expected to know. That core of knowledge is further divided into core ideas and core literature, thereby incorporating both the idea of cultural literacy and its accompanying "canon." The ideas (or subareas) addressed by Thornberry included the "origins of criminological thought, the measurement of crime and delinquency, and theories of crime and delinquency" (p. 38), each of which has a corresponding body of literature thought to comprise the core knowledge within that area. The following year, Siegel and Zalman published a similar article on the cultural literacy of criminal justice. Expanding on the work of Thornberry, their definition of *cultural literacy* attempts to further define core concepts within the study of criminal justice, including policy, enforcement, adjudication, punishment, and corrections, all of which are accompanied by corresponding bodies of literature considered seminal to the understanding of each concept.

Critics of these conceptualizations of criminal justice and criminology cultural literacies (CJCL) contend that they, like their general cultural literacy counterpart, are in essence based in a Eurocentric and patriarchal understanding of crime, delinquency, and the criminal justice system. As with criticisms of cultural literacy, critics of CJCL argue that such a narrowly constructed view of the meaning of *literacy* within criminal justice and criminology effectively limits further inquiry within these disciplines by omitting other, different literacies, or different experiences or understandings of crime and the criminal justice system.

All agree that there is and should be a foundational body of literature that all who work in the fields of criminology and criminal justice should be expected to know; however, whether a knowledge of that body of literature constitutes something that can be called "cultural literacy" is debated.

Elizabeth M. Fathman

See also Code of the Streets; Culture Conflict Theory; Inequality Theory; IQ; Social Capital

Further Readings

Banks, J. (1993). The canon debate, knowledge construction, and multicultural education. *Educational Researcher*, *22*(5), 4–14.

Barak, G. (1991). Cultural literacy and a multicultural inquiry into the study of crime and justice. *Journal of Criminal Justice Education*, *2*(2), 173–192.

Bizzell, P. (1990). Beyond anti-foundationalism to rhetorical authority: Problems defining "cultural literacy." *College English*, *52*(6), 661–675.

Hirsch, E. D. (1987). *Cultural literacy: What every American needs to know*. Boston: Houghton Mifflin.

Siegel, L., & Zalman, M. (1991). "Cultural literacy" in criminal justice: A preliminary assessment. *Journal of Criminal Justice Education*, *2*(1), 15–44.

Thornberry, T. (1990). Cultural literacy in criminal justice. *Journal of Criminal Justice Education, 1*(1), 33–49.

Culturally Specific Delinquency Programs

In the United States, minority group members are disproportionately represented as victims and offenders in the criminal justice system. Culturally specific delinquency programs have as their objectives to prevent and/or stop delinquent behavior.

Culturally specific delinquency programs consist of both prevention and treatment modules whereby the racial and/or ethnic identities of youths are incorporated as a necessary component of the response to delinquent behavior. To that end, specific elements of a culture (e.g., language, family norms, religion, gender, work ethic) are used such that adolescents from various backgrounds may more readily identify with program objectives and goals within the context of their own social experiences. President John F. Kennedy in 1964 termed the United States a "nation of immigrants." Once thought a melting pot whereby racial, ethnic, and various subordinate groups would "give up" their cultural heritage and conform to an Anglo-Protestant core culture, the United States has evolved more into a culturally pluralist society whereby various groups retain elements of their cultural heritage. Thus, culturally competent organizations recognize that one size does not fit all when it comes to establishing effective delinquency prevention and/or treatment programs and include diverse culturally relevant elements in their approaches to delinquency.

Early immigrants inherited the city's inner core and found themselves experiencing higher levels of disease, death, and crime than residents who lived outside of the city's inner sphere. To that end, programs intent on relieving these social ills focused upon emerging cultural and social class elements among inhabitants of the areas. Similar types of programming are needed today.

Tobler in 1992 reported that culturally specific delinquency programs designed to address delinquency among African American adolescents are often Afrocentric in focus and multilevel, involving various entities of the community, including families, schools, churches, and the juvenile justice system. Moreover, Boyd-Franklin in 1990 and Turner in 1995 noted that such programs focus upon transitions to manhood and womanhood while incorporating cultural elements that highlight spirituality and religion, flexibility and adaptability of familial roles, extended family networks, educational attainment, effective economic and social coping strategies, and a strong work ethic.

Caetano in 1989 noted that Hispanics or Latinos in the United States originate from at least 50 different countries, with major cultural, language, geographical, and social differences among them. Additionally, Dumka, Lopez, and Carter in 2002 proposed that delinquency programs focusing upon Hispanic and/or Latino youth consider the aforementioned factors as well as socioeconomic, acculturation, and gender differences while denoting the emphasis placed upon family, familial support, and the use of family as their primary reference group.

Lee in 1990 noted that Asian populations in the United States encompass more than 60 distinct groups, many with very disparate cultures. Thus, Ho in 1992 recommended that prevention programs targeting Asians consider acculturation, bicultural, and class differences in conjunction with family traditions, structure, and help-seeking behavior.

Edwards and Edwards in 1990 noted that delinquency intervention programs for Native adolescents should incorporate family, clan, and/or tribal members in both planning and delivery of the program. Additionally, Oetting, Beauvais, and Edwards in 1988 suggested such programs include cultural pride and competency, problem solving, recreational, academic, leadership development, and alcohol- and drug-free lifestyle components.

While we see an increase among culturally specific delinquency programs, the effectiveness of such programs is still questionable. Wilson, Lipsey, and Soydan in 2003 note that more researchers from diverse backgrounds and more

research on culturally specific intervention programs are needed to determine the effectiveness of such programming.

Charles Corley

See also Center for the Study and Prevention of Violence; Delinquency Prevention; Evidence-Based Delinquency Prevention for Minority Youth; Faith-Based Initiatives and Delinquency

Further Readings

Boyd-Franklin, N. (1990). Five key factors in the treatment of Black families. In G. W. Saba, B. M. Karrer, & K. V. Hardy (Eds.), *Minorities and family therapy* (pp. 53–69). New York: Haworth.

Caetano, R. (1989). Concepts of alcoholism among Whites, Blacks, and Hispanics in the United States. *Journal of Studies on Alcohol, 50,* 580–582.

Dumka, L. E., Lopez, V. A., & Carter, S. J. (2002). Parenting interventions adapted for Latino families: Progress and prospects. In J. Contreras, K. A. Kerns, & A. M. Neal-Barnett (Eds.), *Latino children and families in the United States: Current research and future directions* (pp. 203–233). Westport, CT: Praeger.

Edwards, D., & Edwards, M. E. (1990). American Indian adolescents: Combating problems of substance use and abuse through a community model. In A. R. Stiffman & L. E. Davis (Eds.), *Ethnic issues in adolescent mental health* (pp. 285–302). Newbury Park, CA: Sage.

Ho, M. K. (1992). Differential application of treatment modalities with Asian American youth. In L. A. Vargas & J. D. Koss-Chioino (Eds.), *Working with culture: Psychotherapeutic interventions with ethnic minority children and adolescents* (pp. 182–203). San Francisco: Jossey-Bass.

Lee, E. (1990). Assessment and treatment of Chinese-American immigrant families. In G. W. Saba, B. M. Karrer, & K. V. Hardy (Eds.), *Minorities and family therapy* (pp. 53–69). New York: Haworth.

McKinney, K. (2003). *OJJDP's Tribal Youth Initiatives* (Bulletin). Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

Oetting, E. R., Beauvais, F., & Edwards, R. W. (1988). Alcohol and Indian youth: Social and psychological correlates of prevention. *Journal of Drug Issues, 81,* 87–101.

Park, R. E. (1950). *Race and culture.* Glencoe, IL: The Free Press.

Tobler, N. S. (1992). Drug prevention programs can work: Research findings. *Journal of Addictive Disease, 11*(3), 1–28.

Turner, W. L. (1995). Healthy Black families: Protectors against substance abuse. *Employee Assistance Journal, 8,* 30–31.

Wilson, S. J., Lipsey, M. W., & Soydan, H. (2003). Are mainstream programs for juvenile delinquency less effective with minority youth than majority youth? A meta-analysis of outcomes research. *Research on Social Work Practice, 13*(1), 3–26.

Culture Conflict Theory

Criminologists have studied the relationship between race and crime and what role conflicting cultures might play in the etiology of crime. As defined by criminologist Thorsten Sellin, culture conflict is a condition that occurs when the rules and norms of an individual's culture conflict with the role demands of conventional society. Sellin believes that in any culture, the behavior of the individuals in that culture comes to be accepted, and behavior that does not conform to these social norms is seen as a violation of them. From a sociological perspective, Sellin's approach to the causation of crime was centered on what he called the "conduct norm" governing normal and abnormal behavior. Conduct norms vary from society to society, so an action may be a violation in one society but not in another. The potential for culture conflict exists when the dominant culture sets the standards for acceptable behavior; thus, anyone whose actions do not conform to these standards will be considered deviant and/or criminal.

Each one of us is born into a unique culture whose ideas, customs, and beliefs we accept. It is through this process that conduct norms are formulated. These norms, which are present wherever social groups are found, help form the foundation of one's character and personality. The power of the dominant culture tends to establish certain criteria for the behavior of society that is accepted as "the law." In order to preserve social norms, societies establish laws with specific penalties for those who violate the norms. This power that the dominant group possesses tends to create the idea that nondominant cultures are more likely to be deviant and take part in criminal activities as a way of life.

Subcultural conduct can and sometimes does conflict with the norms of the dominant culture.

Culture Conflict in America: Mass Immigration to the United States

Mass immigration from Europe to the United States during the late 19th and early 20th centuries helps explain the role that culture conflict can play in relation to race and crime. For example, from 1880 to 1920, 24 million immigrants arrived in the United States from southern and eastern European nations including Italy, Croatia, Greece, Poland, Czechoslovakia, Hungary, and Russia. These "new immigrants," like the previous ones, were leaving their country for reasons such as low wages, unemployment, disease, and religious persecution, just to name a few. As they fled from poverty and persecution, they experienced difficulties in assimilating into American culture. The immigrants maintained their own culture by forming communities consisting of stores in their area of expertise, restaurants, churches, schools, and even their own newspapers, all in their native languages. For the most part, they could not speak English, which complicated their situation, and since they came from a nondemocratic government, they were very distrustful of the U.S. government.

The problems immigrants faced in trying to assimilate into unknown surroundings and the discrimination inflicted by native-born Americans were just the start of the difficulties they encountered. Evidence shows that because of their origin and economic and political status, the immigrants were subject to differential treatment concerning law enforcement due to the difference in *culture norms*. The likelihood of conflict due to the breach of rules often exists when it involves a very diverse and heterogeneous society; and the breaking of such rules could open the door to possible criminal activity.

Impact of Culture Conflict on Crime

Although Sellin makes a strong point referring to conduct norms as the causation of crime, Marxist theory would explain the correlation between culture conflict and race and crime better than any other theory. Here, a power struggle exists between two different groups of people, the *haves* and the *have nots*. With reference to race and crime, discrimination is significant in the enforcement of laws and the distribution of punishment by the White power structure. The difficulties of assimilation faced by southern Blacks who moved to the northern United States during the period of the Great Migration between 1910 and the mid-20th century is another example of a significant event that produced cultural conflicts and likely contributed to the overrepresentation of Blacks in criminal justice systems in northern cities.

The Great Migration of Blacks overlapped one of the largest periods of European immigration to the United States; however, the difference was that Blacks' movement was directly from the rural South to the urban North. In all, approximately 6 million Black people migrated north to secure their freedom and avoid the lynching and mob violence against them as a result of the rise of Jim Crow laws. With the end of World War I and the decrease in European immigration to the United States, jobs were plentiful in the North. While some of the conflicts subsided throughout the last quarter of the 20th century, urban areas continued to struggle with culture conflicts that sparked conflicts, riots, and crime.

Wherever there is a heterogeneous society with varying conduct norms and the lack of accessibility to improve living conditions, there is also likely to be cultures that *have* and cultures that *have not*, creating conflict. Such a conflict, as seen by the history of the United States and predicted by culture conflict theory, has the potential to contribute to crime and disorder.

Ella Henderson

See also Conflict Theory; Du Bois, W. E. B.; Hate Crimes; Social Disorganization Theory

Further Readings

Barak, G., Flavin, J., & Leighton, P. (2006). *Class, race, gender, and crime: Social realities of justice in America* (2nd ed.). Lanham, MD: Rowman & Littlefield.

Du Bois, W. E. B. (1899). The Negro and crime. *The Independent, 51,* 1355–1357.

Gabbidon, S. L. (2007). *Criminological perspectives on race and crime*. New York: Routledge.

Sellin, T. (1938). *Culture conflict and crime*. New York: Social Science Research Council.

Wyle, S. (2003). *Revisiting America: Readings in race, culture, and conflict*. Englewood Cliffs, NJ: Prentice Hall.

Davis, Angela (1944–)

Prison abolitionist, political prisoner, Black Panther, Communist, radical activist, Black feminist, critical resistor, public intellectual, intellectual activist, and university professor are just some of the labels by which Angela Davis has been known throughout her lifetime. Davis was the face of Black Pride in the 1970s, was a candidate for vice president on the Communist Party ticket in 1980 and 1984, and is a major feminist scholar. Today's generation knows her as a critic of the criminal justice system, particularly the prison-industrial complex, and as a prison abolitionist. Davis is currently a full professor at the University of California, Santa Cruz, where she holds a joint appointment in the History of Consciousness and Women's Studies departments.

From the beginning, Davis has combined theory and practice through scholarship and participation in the grassroots movements of 1960s Black Liberation to the more recent prison abolition movement. Through 4 decades Davis has critiqued the "broken" criminal justice system through global, racial, gender, and class lenses. She urges us to think about the connections between the racialized figures of the "terrorist," the "criminal," and the "immigrant." Noting that crime is socially constructed, Davis reminds us that the "criminal" in the United States is stereotypically portrayed as a young Black man and that not only White people but Black people alike believe this stereotype. Crime in the United States is racialized, according to Davis. Yet her critique goes beyond race in that it includes global, gender, and class analyses, and her racial analysis includes not only Blacks and Whites but also Native Americans, Latinos, and other people of color.

Education

Angela Davis was born and raised in the "cradle of the confederacy," Birmingham, Alabama, during the end of segregation in the 1940s and 1950s. Although she attended segregated schools through junior high, she came from a privileged Black middle-class family. Davis then received an American Friends Service Committee scholarship to attend Elizabeth Irwin High School, a private school in Greenwich Village, New York. At Irwin High, she was exposed to Marxist-Leninist socialist ideology through conversations with teachers who had been blacklisted for their Communist membership. After having graduated from Irwin High School, Davis received a scholarship to Brandeis University, where she was one of only a few Black students. Extensive international travels while at Brandeis gave Davis a worldview of oppression, which she maintains to this day. During the summer of 1962, she attended the Eighth World Youth Festival in Helsinki, Finland, and met Cuban students with whom she was enthralled. For her third year at Brandeis (1963–1964), Davis studied at the Sorbonne in Paris. There, she engaged in political dialogue

with Algerian students who were protesting French colonialism. Davis returned to Brandeis for her senior year and arranged an independent study in philosophy with the famous Herbert Marcuse, a radical philosopher of the Frankfurt school of critical theory who was teaching at Brandeis. Davis decided to pursue her graduate studies in philosophy. Upon graduation from Brandeis, she returned to Europe to do graduate work in philosophy at the Johann Wolfgang von Goethe University in Frankfurt, Federal Republic of Germany. In 1967, she returned to the United States to attend graduate school at the University of California, San Diego, where she received her master's degree in philosophy in 1969, again working with Marcuse, who had come there from Brandeis. During her international travels and while pursuing her degrees, she was always politically active and often arranged her classes so that she could have full days to work in the Black Liberation movement.

Political Activism and Criminal Justice

While pursuing her master's degree at the University of California, San Diego, Davis participated in antiwar demonstrations and was an active member of the Black Panther Political Party (BPPP), the Los Angeles Student Non-Violent Coordinating Committee, and the Communist Party USA. Unlike Bobby Seale's Black Panther Defense Party, the BPPP was composed of young Black intelligentsia. Davis came to national attention when she was fired from her first teaching job as an acting assistant professor in the philosophy department at the University of California at Los Angeles for being a member of the Communist Party. Although the school president supported her, the Board of Regents ordered that she be removed. Ronald Reagan, who was then governor of California, vowed she would never again work in the University of California system. From the beginning, Davis's activism revolved around issues of racial discrimination and the criminal justice system. In *Abolition Democracy* she reflects that she has been involved with prisoners' rights ever since she became a member of the BPPP. Davis worked to free the Soledad Brothers (George Jackson, John Clutchette, and Fleeta Drumgo) from prison, arguing that they had been imprisoned on fraudulent murder charges. To this day, Davis includes George Jackson in her speeches and points out the discriminatory sentencing of Black men along with the disproportionate incarceration of minorities in the United States, which existed in the late 1960s and continues to the present. Perhaps the defining moment of her activism happened when she wasn't even there. Jonathan Jackson, George's young brother, used Davis's gun in an attempt to free three San Quentin prisoners when they appeared in the Marin County Courthouse, on August 7, 1970. In the ensuing gun fight, Jonathan Jackson and two of the three prisoners died, along with the presiding judge. The authorities found the gun registered in Davis's name and charged her with murder and kidnapping. Driven underground by an intensive police search, Davis was placed on the Federal Bureau of Investigation's (FBI's) 10 most wanted fugitives list. The FBI found her in New York. She was incarcerated at the New York Women's House of Detention and later extradited to California, where she was held in jail, in solitary confinement, to await trial. Davis was acquitted and released almost 18 months after arrest, following an international "Free Angela Davis" campaign. Davis has continued to be involved with organizations that criticize racism in the criminal justice system, work to release prisoners, and ultimately question the very institution of prison. She is a member of the advisory board of the Prison Activist Resource Center. She was instrumental in organizing Critical Resistance: Beyond the Prison Industrial Complex in 1998, a grassroots conference held annually, which works to develop strategies that will ultimately abolish the prison-industrial complex. She works with Justice Now, an organization that provides legal assistance to women in prison. Davis is also affiliated with Sisters Inside, a similar Australian organization based in Queensland.

Ideas

Prison issues have literally and figuratively defined Angela Davis's life. In her work with George Jackson and the Soledad Brothers, she realized that the prison system serves as a "weapon of racist and political repression" (Davis, 1999). While jailed in the early 1970s, Davis wrote about the relationship between the institutions of prisons

and slavery, focusing on how the prison system maintained racism. Today, she emphasizes the ways in which prison reproduces forms of racism. She recognizes concerns related to young Black men in Black communities, almost one third of whom are under the jurisdiction of the criminal justice system—either in prison, on parole, or on probation. However, as a Black feminist, she warns us that focusing on young Black men alone can result in a failure to address the criminalization of young Black women and the increasing incarceration rate for women.

Davis is also recognized for popularizing the concept of the prison-industrial complex. The prison-industrial complex is a interconnected group of public and private entities that have an economic stake in maintaining prisons throughout the world, not just in the United States. In a speech given at Colorado College in 1997 titled *The Prison Industrial Complex*, she described how corporations that move overseas disrupt both the communities they leave and the new ones they inhabit.

Her most recent discussion of prison abolition, in *Are Prisons Obsolete?* questions why American society takes prisons for granted. She points out that the frequent and discriminatory imposition of prison sentences is an ordinary fact of life for the poor, Black, and Latina/o young people in the United States. Davis examines the consequences of living with prison as punishment, arguing that continuing to build prisons creates a vicious cycle: Funds that are used to build prisons are not available to the communities from which the prisoners come, and thus those communities experience greater economic stress.

Finally, Davis asks us to think about a society without prisons. Why are they necessary at all? It is difficult to envision a society without prisons, because this would be a more complicated endeavor than simply replacing the prison with a single alternative. Davis challenges us to create a "new terrain of justice," where one in every three young men of color is not destined to become imprisoned.

Contrary to former Governor Ronald Reagan's proclamation, Davis has been working as a university professor in the state of California for over the past 20 years.

Marianne Fisher-Giorlando

See also Black Panther Party; Prison Abolition; Racialization of Crime

Further Readings

Davis, A. Y. (1982). *Women, race and class*. New York: Random House.

Davis, A. Y. (1988). *Angela Davis. An autobiography*. New York: International Publishers. (Original work published 1974)

Davis, A. Y. (1988). *Women, culture, and politics*. New York: Random House.

Davis, A. Y. (1998). *Blues legacies and Black feminism: Gertrude "Ma" Rainey, Bessie Smith and Billie Holiday*. New York: Random House.

Davis, A. Y. (1999). *The prison industrial complex* [CD]. San Francisco: AK Press Audio. (Lecture recorded at Colorado Springs, CO, on May 5, 1997)

Davis, A. Y. (2003). *Are prisons obsolete?* New York: Seven Stories Press.

James, J. (Ed.). (1998). *The Angela Davis reader*. Malden, MA: Blackwell.

D.C. Sniper

On October 2, 2002, at approximately 5:20 p.m., the window of a Michaels craft store in Aspen Hill, Maryland, was shattered by a single bullet. This bullet continued through the store, barely missing the cashier on duty and embedding into a rear wall of the store. Less than 1 hour after this incident, a 55-year-old man was shot and killed while walking across a parking lot in Wheaton, Maryland. Although these shootings were initially perceived to be separate and random, law enforcement authorities later recognized these two acts of violence as the first among 13 linked shootings that took place over the next 23 days in what was ultimately known as the D.C. Sniper case. This shooting spree was one of the largest multijurisdictional criminal cases in the history of the United States, spanning Montgomery County, Maryland, the District of Columbia, and as far south as Ashland, Virginia. More than 30 different law enforcement agencies on the local, state, and federal levels worked together to track, identify, and capture the parties responsible for the attacks across the D.C. region. In 2003, two African

American males, John Muhammad and Lee Boyd Malvo, were convicted of murder and weapons charges in connection with the shootings. This entry reviews the sequence of shootings, the criminal investigation, and the outcome in the case.

By the end of the day on October 3, five more victims had been shot and killed in the D.C. metro area, and law enforcement agencies across the region had created a task force to combat the parties responsible for the seven shootings that had occurred. Witnesses of one shooting on the second day reported seeing a white box truck close to the crime scene. Witnesses at another shooting on the same day reported seeing a dark Chevrolet Caprice in the vicinity at the time of the crime. On the third day, the Department of Alcohol, Tobacco, Firearms and Explosives (ATF) reported that ballistics tests indicated that bullets from several of the first seven shootings were fired from the same weapon—most likely some type of hunting rifle. On the morning of the sixth day, a 13-year-old was shot and injured in front of his middle school in Bowie, Prince Georges County, Maryland. The shooters left a tarot card with a note to law enforcement written on it. No demands were contained in this note; however, witnesses reported seeing a white van parked outside the school around the time of this shooting. By the 10th day of the investigation, there had been 11 shootings.

Other than the conflicting reports of a white van, a white box truck, and a dark Chevrolet Caprice near the scenes of earlier incidents, police had no leads on the identity of the parties responsible for this string of shootings. Law enforcement profilers assisting in the investigation predicted that the snipers were most likely Caucasian males with a rural background. On October 9 and October 11 two males were killed while pumping gas in Virginia. In another incident in Virginia, a female loading her vehicle outside of a Home Depot was killed on October 14.

Eighteen days after the first incident, the 13th shooting occurred at a Ponderosa Steak House in Ashland, Virginia. Law enforcement officials found a second note from the snipers at this crime scene. In this note, the snipers demanded money and instructed the police to call them at a certain time and place. The phone number provided in the note was not a working phone number; however, technicians at the U.S. Secret Service crime lab were able to link the handwriting on the second note to the handwriting on the tarot card left at the scene of an earlier shooting. Police received additional information in the form of phone calls to local police stations and the FBI tip line. These tips yielded an important lead—one advised the police to look into a robbery-homicide at a liquor store in Montgomery, Alabama, that had taken place in September 2002. A fingerprint lifted off a magazine from a gun used in the Montgomery incident was linked to Lee Boyd Malvo, who had been fingerprinted previously by the Immigration and Naturalization Service. Further investigation found that Malvo was last seen traveling with a man named John Muhammad. Investigators uncovered evidence that Muhammad was a former army infantryman with marksmanship training. Additionally, Muhammad and Malvo had been target practicing at a residence they stayed at in Tacoma, Washington, further linking them to the sniper case. An ATF arrest warrant was issued for Muhammad on a federal firearms violation, and the police identified the make, model, and tag number of the Chevrolet Caprice he was driving. Photos of Muhammad were obtained from the Department of Motor Vehicles. Law enforcement was surprised to find that the snipers were African American men and not Caucasian men from a rural background, as had been originally predicted by the profilers. The police released the car description to the media on the 22nd day of the investigation. Later that evening a citizen at a rest stop off Interstate 70 near Frederick, Maryland, spotted a vehicle matching the descriptions reported on the radio. He called 911 and reported the vehicle. Within 3 hours the members of SWAT teams from the task force agencies surrounded the car in which the subjects were sleeping and took them into custody.

In the fall of 2003, approximately 1 year after their arrest, John Muhammad and Lee Boyd Malvo faced trial in Virginia and were convicted of murder and weapons charges. Muhammad received a death sentence for his role in the sniper killings. Malvo received a sentence of life in prison without parole because he was 17 years old at the time the crimes were committed, thus making him ineligible for a death sentence.

One unique aspect of the D.C. Sniper case is the choice of victims. Typically, serial killers target

one type of person so that the victims share a common characteristic. However, in the case of the D.C. Sniper, victims were men and women as young as 13 years old and as old as 72 years old. The race of the victims ranged from Caucasian to Hispanic to African American. The random nature of the sniper shootings instilled high levels of fear into the citizens of the Washington, D.C., metropolitan area.

Rachel Philofsky

See also Juvenile Waivers to Adult Court; Violent Crime

Further Readings

Davies, H. J., Murphy, G. R., Plotkin, M., & Wexler, C. (2004). *Managing a multijurisdictional case: Identifying lessons learned from the Sniper investigation* (Report prepared by the Police Executive Research Forum). Washington, DC: U.S. Department of Justice.

Mauriello, T. P. (2007). *Criminal investigation handbook: Strategy, law and science: Appendix 2. The 2002 Washington, D.C. area sniper shootings—a case analysis of the multi-jurisdictional investigation*. Albany, NY: Matthew Bender.

Death Penalty

Anthony Porter spent 15 years on death row in Illinois for a crime he did not commit. Porter came within 2 days of execution; his IQ was 51. It was not until a group of journalism students investigated his case that Porter was exonerated, after another man confessed to the double murder that put Porter on death row. Porter's exoneration spurred Illinois Governor George Ryan to declare the nation's first statewide moratorium on executions. Since 1977, Illinois had freed more prisoners than it had executed. Just before Ryan left office, he commuted the state's 167 death sentences to life sentences because he felt the death penalty could not be administered fairly.

The Illinois example is illustrative of the many problems that plague the death penalty in the United States. Race permeates all aspects of the U.S. capital punishment system. It plays a role in how cases are prosecuted from beginning to end, ranging from the choice of which cases to charge as capital cases to the empanelling of a jury who decides the ultimate fate of life or death. The entry provides a brief history of the death penalty, highlighting problems of race as it intersects with innocence, execution of juveniles and the mentally retarded, gender, public opinion, and the international community.

Historical Background

The Supreme Court has struggled to interpret capital punishment in light of the Eighth Amendment, which prohibits cruel and unusual punishment. The landmark case, *Furman v. Georgia*, was one among four 1972 cases in which the Court ruled that juries had particularly untrammeled discretion to let an accused live or die, violating the Eighth and Fourteenth Amendments. The unprecedented decision removed death sentences of approximately 600 prisoners awaiting execution and was based almost exclusively on what the Court found to be discretionary power that fostered arbitrariness and inconsistent sentencing.

Only 4 years after *Furman*, the Court, in *Gregg v. Georgia* (1976), held that states that removed arbitrariness of capital outcomes could resume the death penalty with guided discretion. From the reinstatement of the death penalty in 1976 to October 15, 2008, 1,125 death row inmates have been executed by means of firing squad, hanging, electrocution, lethal injection, and lethal gas.

Capital Punishment in the States

In addition to the federal government and the military, 36 of the 50 states have the death penalty. As of January 1, 2008, 3,309 inmates await execution, with inmates in California, Florida, Texas, and Pennsylvania making up more than one half of the death row population. From 1976 to October 15, 2008, Texas led in the number of executions with 415 inmates put to death, followed (distantly) by Virginia (102) and Oklahoma (88). The southern region of the United States makes up a disproportionate number of total executions.

The role of race in capital punishment is prominent. Although the majority of death row inmates are White, the race of the victim matters most. Despite Blacks making up only 12% of the nation's population, death row is composed of 42% Blacks and 45% Whites. Since 1976, 57% of prisoners executed were White and 34% were Black. Although Blacks and Whites are murder victims in almost equal number, nearly 80% of those executed since reinstatement were executed for murdering a White victim. From reinstatement of the death penalty in 1976 to October 15, 2008, 228 Black inmates were executed for killing White victims, whereas just 15 White inmates were executed for killing Black victims.

The Supreme Court took up the race issue in two important cases: *Batson v. Kentucky* (1986) and *McCleskey v. Kemp* (1987). *Batson* examined the role of race in removing prospective jurors from the jury pool, and *McCleskey* considered the effects of racism in the administration of the death penalty system.

McCleskey established that even if racism affects the administration of the death penalty (in particular, if race of victim and race of defendant serve as significant predictors of sentencing decisions in capital cases), there is no violation of the equal protection clause of the Fourteenth Amendment so long as there is no evidence of intentional racial discrimination against the defendant. The Court held that the defendant in *McCleskey* failed to establish that the risk of racial bias in sentencing was intolerable under the Constitution. Further, the Court declared that exceptionally clear proof is required before the Court will infer that discretion has been abused. McCleskey presented the Baldus study to the Court to support his claim of racial discrimination. The Baldus study focused on patterns of racial disparities in death penalty sentencing in Georgia, specifically focusing on the victim's race. The study offered statistical evidence showing that defendants alleged to have killed White victims were 4.3 times more likely to be sentenced to death than defendants charged with killing Black victims. The Court found that the requisite intentional racial discrimination had not occurred in McCleskey's case, and it further rejected McCleskey's argument that when race is a factor in capital punishment cases, the death penalty is cruel and unusual punishment. The Court reasoned that the Baldus study failed to prove that the death penalty was applied arbitrarily.

The Supreme Court also considered racism in jury selection. *Batson v. Kentucky* held that prospective jurors can be removed only for race-neutral reasons. If a prosecutor chooses to strike a disproportionate number of people of the same race, he or she is required to rebut the inference of racial discrimination by showing neutral reasons for the removal. Despite the ruling in *Batson*, discrimination in jury selection can still be a problem. The rule in *Batson* is often circumvented when prosecutors offer race-neutral reasons as a pretext for challenging Black jurors. Observers comment that *Batson*'s toothless holding makes it ineffective in eliminating discrimination for all but the most obvious forms of discrimination, partly because it assumes that courts are able to detect purely race-based challenges. Others argue that few claims are actually raised based on *Batson* because of the infrequency in which the claim is victorious. Nevertheless, discrimination in choosing a jury, discrimination from within the jury room, and wide discretion granted to the trial court are still major hurdles for almost any minority capital defendant.

Innocence

In the imposition of the death penalty, racial discrimination is often coupled with other errors. The Supreme Court addressed the innocence issue in *Herrera v. Collins* (1993), holding that, in the absence of other constitutional violations, newly discovered evidence alone is insufficient to require a new trial. That is, a legally guilty defendant is one who has been afforded every available legal protection (at least in principle) and found guilty by a jury of his or her peers. Such a case does not violate the U.S. Constitution. Actual innocence must be based on irrefutable evidence not available during trial. The Court did allow for the possibility that the Constitution prohibits executing a person who can irrefutably show actual innocence, although it recognized that such a showing would be rare. Since 1973, 130 people have been exonerated in 26 states. Recent developments in DNA (deoxyribonucleic acid) evidence increasingly challenges the claim that wrongful convictions on death row remain rare.

Juveniles and Mentally Retarded Persons

Historically, the United States has allowed the execution of juveniles and the mentally retarded. In *Thompson v. United States* (1988), the Supreme Court held that the Constitution prohibited the execution of juvenile offenders under the age of 15. One year later, the Court ruled in *Stanford v. Kentucky* (1989) that the Eighth Amendment did not prohibit the execution of 16- and 17-year-olds, seeming to confirm the age boundary for capital punishment at 16. However, in 2005, the Court reversed its position, ruling in *Roper v. Simmons* (2005) that to impose the death penalty on a person who had committed a capital crime while under the age of 18 constitutes cruel and unusual punishment. Prior to *Roper*, 71 prisoners (all men) were on death row for crimes they had committed as 16- and 17-year-olds, 41% of whom were Black. Mirroring adult counterparts, juvenile offenders' victims were 64% White and only 8% Black. Between 1976 and 2005, 22 juvenile offenders were executed in the United States.

Following much of the same reasoning, the Court banned executions of mentally retarded defendants. The Court held in *Atkins v. Virginia* (2002) that the Eighth Amendment's prohibition of cruel and unusual punishment dictated that mentally retarded offenders should not be subjected to capital punishment. Experts argue that an accused person who is mentally retarded is prone to suggestibility, and their willingness to please can often lead to false confessions. Between the reinstatement of the death penalty and the Supreme Court ban of the mentally retarded, 44 such prisoners were executed—27 (or 61.4%) of whom were Black.

Gender

In comparison to men on death row, the female death row population and rate of execution for women is minute. As of December 31, 2007, 51 women reside on death row, making up only 1.7% of the entire death row population and 0.1% of the female prison population. Eleven women have been executed since the 1976 reinstatement. There have been 568 documented executions of women in the United States since 1608, constituting only 2.8% of total executions. Of the 11 women executed since 1976, 2 were African American and 9 were White. Only 3 of the 11 women executed in recent times did not know their victims. The remainder of the women's victims were either husbands, significant others, exboyfriends, or children. In fact, 38% of the victims of all of the women currently on death row were under the age of 10, and another 7% were between the ages of 11 and 17.

Public Opinion

Officials and lawmakers remain deeply divided on the appropriateness of the death penalty, and public opinion reflects ambivalence about its application. Gallup polls indicate that in the 1930s, support for the death penalty was at 61% but fell to an all-time low of 42% in 1966. Thereafter, support steadily rose, which culminated in an all-time high in 1994 when 80% of the population reported favoring capital punishment. A May 2006 Gallup poll revealed that 65% of the public favor the death penalty, but that support drops to 48% when life imprisonment without parole is given as an alternative. Additionally, the role of public opinion often permeates elections, particularly judicial elections. For example, three justices on the Supreme Court of California were defeated in a retention election because they publicly opposed the death penalty. In June 2008, the U.S. Supreme Court noted a turning tide in public opinion, which seems to reject the death penalty for all but the most heinous murders. In *Kennedy v. Louisiana*, the Court ruled that evolving standards of decency prohibit capital punishment for nonhomicide offenses, even that of child rape.

International Community

The United States is the leader in executions among the industrialized Western world; in 2006, 91% of the world's executions were carried out in only six countries: China (1,010), Iran (177), Pakistan (82), Iraq (65), Sudan (65), and the United States (53). Though executions consistently take place in these countries, there has been a worldwide decline. In 2006, the Philippines became the 99th nation to abolish the death

penalty; a total of 128 countries have abandoned capital punishment either in law or in practice. Increasing efforts to universalize anti–capital punishment policies have important implications for the United States. As the United States becomes a global community, international law is being applied more widely, and human rights violations on the part of large, powerful nations are increasingly recognized. For example, the Council of Europe and the European Union made abolition of capital punishment a requirement of all of its member states and a prerequisite for those nations wishing to join.

L. Susan Williams

See also Baldus Study; Capital Jury Project; *Furman v. Georgia*; *Gregg v. Georgia*; Innocence Project; *Kennedy v. Louisiana*; Martinsville Seven

Further Readings

Bright, S. B. (1995). Discrimination, death and denial: The tolerance of racial discrimination in infliction of the death penalty. *Santa Clara Law Review*, *35*, 433–484.

Ogletree, C. J., Jr. (2002). Black man's burden: Race and the death penalty in America. *Oregon Law Review*, *81*, 15–38.

Radelet, M. L., & Borg, M. J. (2001). More trends toward moratoria on executions. *Connecticut Law Review*, *33*, 845–860.

Websites

Death Penalty Information Center: http://www.deathpenaltyinfo.org

Decriminalization of Drugs

Decriminalization of drugs involves the removal or reduction of criminal penalties associated with the use of specific substances. Full decriminalization occurs when the government does not consider drug use a criminal matter. Partial decriminalization involves some degree of governmental regulation regarding the type and amount of substance. Under this type of policy, the government may regulate the types of substances for which use or possession are permissible and control the situations in which drug use is acceptable (e.g., medical marijuana or drug maintenance programs). Decriminalization of drugs is not the same as legalizing a substance; decriminalization normally means that an infraction (such as possession of a small amount of marijuana) is a civil, rather than a criminal, law violation and would result in a civil penalty (such as a fine).

The issue of decriminalization is of relevance to the intersection of race and crime because drug laws and subsequent sentencing have significant impacts on communities of color. Whereas most scholarly research reveals consistent rates of drug use across racial and ethnic groups, drug use in communities of color is more visible to law enforcement; this visibility results in disproportionate arrest and prosecution. For example, an examination of state incarceration facilities reveals that 56% of drug prisoners are African American and 23% are Hispanic, numbers far higher than their representation in the general population. This entry examines arguments for and against drug decriminalization. While some scholars advocate the decriminalization of all illegal substances, the decriminalization debate most frequently revolves around the use of marijuana.

Arguments for Drug Decriminalization

Proponents of drug decriminalization believe strongly that the criminalization of drugs is the result of a historical moral opposition to drug use and the subsequent overapplication of criminal law. From this perspective, the extension of criminal law to an issue that does not have a strong public consensus overburdens the criminal justice system through the arrest, prosecution, and imprisonment of nonviolent offenders at a cost to society of billions of dollars each year. Today many Americans view the use of at least some currently illegal substances as a victimless crime. Approximately 100 million Americans indicate they have tried marijuana, and 72% believe that incarceration for marijuana use is an unreasonable and excessive punishment. Current laws vary dramatically from state to state for simple possession offenses. Some states treat possession of small amounts of marijuana as a civil matter (essentially

a decriminalization position), whereas other states, like Alabama, impose a sentence of 15 years to life for a third conviction for marijuana possession. If drug use were decriminalized, it would be treated as a civil matter, and citizens would not be incarcerated for possession of a regulated amount of a decriminalized substance. This would allow law enforcement to refocus its efforts on high-level drug dealers and traffickers.

Related to this is the argument against the effectiveness of imprisonment in "solving" prevalent drug issues. Many public health experts believe that substance abuse would best be resolved through the use of a variety of medical and social services, as opposed to incarceration. This is the essence of the harm reduction model, in which the goal is to reduce the harm that results from both drug use and current drug policies. With decriminalization, there would be proportional penalties for the recreational act of substance use that even drug authorities assert can never be entirely eliminated.

Scholars focusing on the medicalization of marijuana point to its effectiveness in alleviating the side effects of chemotherapy, stalling AIDS-related wasting, reducing the pain associated with multiple sclerosis, and preventing epileptic seizures. It has been argued that legal drugs (such as alcohol, tobacco, and prescription drugs) are more dangerous in terms of social, psychological, and health costs than are illegal substances.

Advocates of decriminalization note that many legal drugs have been approved by the U.S. Food and Drug Administration but shown to be potentially harmful (e.g., Vioxx); nevertheless, there is little political opposition to such drugs. They also call attention to the pharmaceutical industry, which is the number one industry donor to U.S. political campaigns and has the ability to influence public policy in ways that growers cannot. In contrast, manufacturers of illegal drugs do not exert such influence. The result is a more favorable view of legal substances, regardless of whether this view is warranted in terms of adverse health consequences.

Advocates of drug decriminalization suggest that such a policy would further result in a decrease of secondary criminality. The relationship between drug use and crime is portrayed as straightforward in the media: Drug use causes involvement in crime. However, some researchers have found that this relationship is much more complex, and they suggest that a policy of decriminalization would lower the cost of drugs, so that some individuals would not resort to committing crimes such as theft and burglary (secondary criminality) to support their habit.

Arguments Against Drug Decriminalization

Moral entrepreneurs and others who campaign against the use of illegal substances argue that a decriminalization policy would send the wrong message to America's youth. The government spends millions of dollars per year creating public service announcements that aim to dissuade people from using illegal substances, stressing the adverse social and health consequences of drug use. To decriminalize marijuana would undermine this message of abstinence. Decriminalization would indicate at least implied societal acceptance of use and a subsequent decrease in the legitimacy of the informal controls such as family and community that act to deter drug use and abuse. A decline in the number of marijuana users is often attributed to public service announcements, the continuation of "get tough" drug policies, and the effectiveness of informal social controls.

The experiment of decriminalization of small amounts of marijuana for personal use in Alaska between 1975 and 1990 provided a further argument against decriminalization. During the period of decriminalization, the rate of high school students admitting to marijuana use in Alaska was significantly higher than the national average. Such findings no doubt contributed to the recriminalization of marijuana in 1990. It is believed that decriminalization would increase the number of users, thereby increasing drug availability, which would lead to increased abuse. As well, the decriminalization of "softer" drugs is believed to be a "gateway" to the use of "harder" drugs. Those who argue against decriminalization suggest that drugs are harmful and can impair cognitive abilities; contribute to behavioral problems, health complications, and poor mental health; as well as impair the long-term social and economic potential of users. As such, those against

decriminalization focus on the adverse social costs of drug use and abuse. Those against decriminalization believe that currently illegal substances must remain illegal to minimize addiction and violence levels.

The Debate Continues

Shortly after the passage of the Comprehensive Drug Abuse Prevention and Control Act of 1970, several states adopted positions of decriminalization with respect to marijuana. This position stalled in the 1980s, however, and states that had previously decriminalized small amounts of marijuana, such as Alaska and Oregon, have recriminalized this behavior. Currently, approximately 12 states have marijuana decriminalization policies for minor possession and 8 states permit the regulated use of medical marijuana. On a federal level, however, such practices remain illegal.

The debate between those who favor and those who oppose decriminalization will likely continue as strong political forces are involved. While most Americans would assert that the United States is plagued by a "drug problem," the alternatives proposed to address this issue vary dramatically. There is no exemplar nation that serves as a model in this regard, and there are no simple ways either to determine whether decriminalization would work with specific types of drugs or to identify the circumstances in which it would be effective. After decades of research in the criminal justice and public health fields, many scholars advocate models based on medicalization, harm reduction, and decriminalization. The goal of such policies is to minimize long terms of imprisonment for nonviolent drug offenders and to implement a model that would reduce the adverse consequences of drug use. Advocates of decriminalization of illegal substances also argue that this approach would help reduce the significant and negative impact of disproportionate arrest and prosecution policies against communities of color.

Lisa Anne Zilney

See also Drug Courts; Drug Sentencing; Drug Use; Drug Use by Juveniles

Further Readings

Goldberg, R. (2006). *Taking sides: Clashing views in drugs and society* (7th ed.). Dubuque, IA: McGraw-Hill.

Gray, J. P. (2001). *Why our drug laws have failed and what we can do about it*. Philadelphia: Temple University Press.

Husak, D., & de Marneffe, P. (2005). *The legalization of drugs: For and against*. Cambridge, UK: Cambridge University Press.

Inciardi, J. A. (2002). *The War on Drugs III*. Boston: Allyn & Bacon.

King, R. S., & Mauer, M. (2002, September). *Distorted priorities: Drug offenders in state prisons*. Retrieved from The Sentencing Project: http://www.sentencingproject.org/Admin/Documents/publications/dp_distortedpriorities.pdf

Dehumanization of Blacks

To dehumanize means to deprive a person of human qualities, attributes, and rights. It is the psychological process of demonizing a person, making that person seem less than human and hence not worthy of humane treatment. In addition, dehumanization morally excludes individuals from the basic norms of society. In dehumanizing, one sees the other as subhuman in order to legitimize increased violence or justify the violation of basic human rights. Dehumanization has existed since races and ethnic groups culturally clashed on the soils in America. Understanding the historical implications of dehumanization through the analysis of race and gender provides a foundation for understanding complex issues surrounding the many identities in society as a whole. This entry examines the concept of dehumanization as it relates to the victimization of Blacks in American society (both physically and psychologically) and describes both historical and contemporary instances of dehumanization.

Typically, those who choose to dehumanize perceive others as a threat to their well-being, values, or position of power in society. Race, skin color, gender, and social status are attributes used by individuals to dehumanize others. These

attributes come under attack through stereotyping, objectifying, "othering," or all of these acts. Objectification distinguishes a person as different, inferior, or both, and is central to the process of oppositional difference. Stereotypes are oversimplified perceptions, opinions, or racial epithets about a specific ethnic or cultural group of people. People who are dehumanized are often defined as "other," and stereotypes play a role in the objectification.

In American society, many ethnic and gender groups have been victims of dehumanization. Among those groups are Black people, who have been victims of these acts since their arrival to America in the early 1600s and who still face dehumanizing incidents today. Although there are other ethnic groups who have suffered acts of dehumanization (Native Americans, Hawaiians, Jews, Japanese, and others), Black people are the focus of this entry.

Past Acts of Dehumanization (1619–1960s)

The primary existence of slavery in America began in Jamestown, Virginia, in 1619. In 1638 an African male who had been taken from his homeland in Africa, forced into slavery in America, and treated as property could be bought for about $27. In 1640 whipping and branding Africans became common practice in the American colonies, and in 1641 Massachusetts legalized slavery. At the time of emancipation, over 90% of Black people were illiterate in America. This was largely the result of slaves being whipped and killed if they tried to read and write. Even those who were free—although the degree of freedom depended on whether they lived in the North or South—found it difficult to secure an education. In addition there are 2,805 documented victims of lynch mobs between 1882 and 1930 in 10 southern states. Hanging Blacks from trees and treating them as objects instead of humans are dehumanizing acts that have tarnished America's history. Although most of these acts were targeted toward Black men, Black women experienced dehumanization as well.

Black women slaves were classified as laborers, child bearers, nannies, doctors, field hands, breeders, wives, mothers, and mistresses, and their children were often taken away from them at birth and sold to other plantation owners. Women slaves were raped by their masters, husbands, and other male slaves. Often, they were accused of being promiscuous and, as a result, were labeled as whores although they were victims.

During this time, skin complexions began to fade for African Americans, as the White master's blood flowed through the veins of the Black females—thus originated the term *mulatto*. *Mulatto* is defined as a person who has both Black and White ancestry, which often gives her (or him) a lighter complexion and straighter hair texture. Lighter skin color did not lessen the dehumanization of Black people. Black singers and performers in the entertainment industry who were mulatto or of lighter complexions were allowed to perform in White-owned venues, but they still confronted dehumanization because of their race. An example is Dorothy Dandridge, who was considered one of the most beautiful women in Hollywood during the 1940s and 1950s and had a light complexion and what was perceived to be good hair texture. She performed in nightclubs and was the first Black woman to perform at the Waldorf Astoria in New York. She achieved international respect and fame, performing in Paris at prestigious clubs such as Café de Paris and La Vie en Rose. Nevertheless, she faced continuous dehumanization because of her race. Despite an Oscar nomination and wide recognition, she continued to experience the effects of stereotyping and objectification. Dandridge died of a drug overdose in 1965.

Even Black people with White skin were dehumanized; for example, as early as the 18th century, showmen exhibited Blacks with albinism and vitiligo in circus sideshows, taverns, and dime museums, subjecting them to public labels such as "freak" and "White Negro."

During this period, racial stereotypes dominated the public perception of Blacks in the United States. Newspapers in 1886 referred to all Black people, regardless of skin color, as "niggers," "coons," and "colored," and by 1890 the word *nigger* was the primary term used to refer to Blacks in America. It remains one of the most controversial words in America today.

Transition, 1960s–1990s

As the century turned, Black people began to fight not only for their right to an equal education, but other rights as well. During the 1960s, the civil rights movement laid the foundation for Blacks who wanted to eliminate the "separate but equal" laws that had been imposed upon them after slavery, including (but not limited to) illegal voting practices, segregation in schools, and Jim Crow. Jim Crow laws in the South forbade Black people from sitting and eating in White restaurants and required them to drink from labeled water fountains and to sit only in designated areas on public transportation. During this time, Black people were publically beaten, lynched, and ridiculed when they defied these laws. As time progressed, acts of dehumanization continued.

Examples of Dehumanization in the United States, 1998–2007

In the 21st century, the ignorance, objectification, racial epithets, othering, and stereotyping of earlier eras continue to exist in American culture. The following are among the examples of contemporary dehumanization of African Americans.

- On June 7, 1998, three White men with suspected ties to the Ku Klux Klan chained James Byrd, Jr., a young Black man residing in Jasper, Texas, to the back of a pickup truck and dragged him by his neck to his death. His head, neck, and right arm were found about a mile from his mangled torso.
- Presently, a disproportionate number of Black males are in U.S. prisons and jails. According to the Bureau of Justice Statistics, Black men comprised 37% of all inmates held in custody in the nation's prisons and jails on June 30, 2006. About 4.8% of all Black males in the general population were in prison or jail, compared to 1.9% of Hispanic males and 0.7% of White males.
- In 2006, references to lynching surfaced when six teenage Black men, now known as the Jena 6, discovered three nooses hanging from the "White tree" at their high school in Jena, Louisiana.
- On April 4, 2007, talk-show host Don Imus referred to the mostly Black Rutgers women's basketball team as "nappy-headed hos" (the word *ho* derived from *whore*). His comments were widely denounced by civil rights and women's groups.

Kimetta R. Hairston

See also Alienation; Discrimination–Disparity Continuum; Jena 6; Race Relations; Race Riots; Slavery and Violence

Further Readings

Feagin, J. R. (2000). *Racist America. Roots, current realities, and future reparations*. New York: Routledge.
hooks, b. (1992). *Black looks: Race and representation*. Boston: South End Press.
Kennedy, R. L. (2002). *Nigger, the strange career of a troublesome word*. New York: Pantheon Books.
Maiese, M. (2003, July). Dehumanization. In G. Burgess & H. Burgess (Eds.), *Beyond intractability*. Boulder: University of Colorado, Conflict Information Consortium. Retrieved September 22, 2008, from http://www.beyondintractability.org/essay/dehumanization
Morton, P. (1991). *Disfigured images: The historical assault on Afro-American women*. New York: Praeger.

Delinquency and Victimization

In recent years, increasing attention has been given to the connection between victimization and delinquency in the United States. Scholars in the fields of criminology and psychology have begun to recognize the cycle of violence that exists among America's youth and the impact of victimization. This entry examines the connection between delinquency and victimization, the subsequent emotional and psychological impact, and the structural and cultural explanations for the recent trends. Attention is also paid to the impact of race on patterns of violence and victimization among youth.

Prevalence of Delinquency and Victimization

Official reports of delinquency indicate that juveniles accounted for 380,000 Part I arrests and

1.2 million Part II arrests of the overall 14 million arrests made in 2005. Although these rates are alarming, it is also important to note that reports indicate that delinquency rates have been declining over the past few years. With regard to victimization and the estimated 23 million criminal incidents that occur yearly, national survey data indicate that youth are more likely than adults to be victims of crime in the United States; this further subjects youth to the critical and long-term consequences of victimization, such as emotional, physical, and mental trauma. Moreover, the results from recent victimization surveys have noted that victimization is not random but is a function of personal and ecological factors.

Although delinquency rates are declining overall, there has been a recent increase in violent crime arrests among juveniles. In 2005 scholars noted that murder rates among juveniles increased by 20% and robbery charges increased by 11.5%. Thus criminologists have focused research on exploring and identifying factors that have shaped these recent changes and trends in delinquency rates.

Recent Studies Examining Juvenile Delinquency

A recent study declared that delinquency among adolescents and young adults can be predicted mainly from early peer relations, more specifically from not getting along with others. Furthermore, the need to belong is a great hunger and thirst for the female adolescent, yet she may not be socially accepted because of belonging to a discriminated racial group, because of inner problems, or because of difficult family relationships. Friendship groups for females are normally closed, or the requirements are so great she can't handle them, leading her to eventually give up on making friends. In a case study on male and female offense repeaters, it was found that more female than male offenders quarreled with their peers and were "lone wolves." From this study it was concluded that female adolescents possess delinquent behavior as a result of being "isolates and misfits," as well as possessing the tendency of getting lost in the crowd.

In another study, higher levels of peer rejection were found to be associated with delinquent behavior and psychological problems. It was suggested that lacking close friendships during childhood leads to high levels of problem behaviors later in life. Social rejection was viewed as a cause of antisocial outcomes. Acceptance into peer groups provides children with the chance to grow physically, mentally, and socially with people of similar age. However, if children are rejected and deprived of physical, mental, and social growth, this may lead to feelings of anger and resentment, which may further lead to aggression and delinquency during their adolescence.

Explanations for Delinquency and Victimization

Scholars have attempted to explain the phenomena of crime and victimization since the early 1940s. These explanations often focused on the relationship between the victim and offender and included typologies of responsibility based on relationship and situations. Modern theorists have simply revised the earlier ideologies while continuing to focus on culture, behaviors, associations, spatial relationships, lifestyles, and situations. In response to community and school violence, traits such as toughness and recklessness appear to exist in conjunction with extreme levels of fear. This is particularly problematic for younger children residing in "war zone" environments; many of these children are African American. Similarly, negative identity and low self-esteem are often products of racism and economic inequality, which in turn generate antagonism and aggressive behavior. Hostility and low self-esteem also lead to toughness and recklessness. Additionally, impairments in both school performance and intellectual development are viewed as the result of hostility and withdrawal experienced by youth who have been continually exposed to violent situations. Many studies have also indicated significant changes in children's behavior, many of whom become more aggressive and hyperactive after a violent experience. In addition, difficulties in concentration often occur because of the intrusion of thoughts relating to violence. Escalating levels of violence are also considered to be the result of an association with drugs, gangs, and sophisticated weaponry

in urban settings. The lack of legitimate economic and educational opportunities, coupled with the emergence of a powerful drug economy, further exacerbates the linkage between exposure to chronic community violence and stress reactions. Research studies have clearly established a connection between increased exposure to violence and youth adaptation to stressful situations.

Sociologists and psychologists have explored many potential explanations for the abuse–crime connection among adolescents that note the relationships between victimization and an adolescent's likelihood to commit a crime. The extent of authority within a household can lead to negative outcomes in a child's behavior. Failure to set clear expectations for behavior, lax supervision, excessively severe and inconsistent discipline, and other poor parenting practices are factors that predict violence in children. Parents who are not involved in their child's life, who have poor communication skills, and who do not provide support are putting their children at risk for developing behavioral problems.

Interventions and Research Suggestions

Juvenile violence is related to many factors. Interventions are helpful and successful when utilized to address more than one factor that causes problem behaviors. Programs that are used to reduce risk factors across several domains are the most effective. Intervention programs that are implemented in the school and home environments simultaneously are extremely effective. It is essential to conduct early intervention in high-risk environments as well, to help decrease the chances of violent behavior within the community. Later interventions, such as counseling and behavior training, can help decrease the chances of recidivism among juvenile delinquents.

Zina McGee and Ebone' Joseph

See also Child Abuse; Drug Use by Juveniles; Juvenile Crime; Self-Esteem and Delinquency; Victimization, Youth; Violence Against Girls; Violent Juvenile Offenders

Further Readings

Bernard, T. (1999). Juvenile crime and the transformation of juvenile justice: Is there a juvenile crime wave? *Justice Quarterly, 16*, 336–356.

McGee, Z. (2003). Community violence and adolescent development: Assessing risk and protective factors among African American youth. *Journal of Contemporary Criminal Justice*, *19*, 293–314.

McGee, Z. (2003). Weapons, violence, and youth: A study of weapon-related victimization among urban high school students. In J. Joseph & D. Taylor (Eds.), *With justice for all: Minorities, women, crime, and criminal justice* (pp. 191–208). Upper Saddle River, NJ: Prentice Hall.

U.S. Department of Justice, Federal Bureau of Investigation. (2006). *Crime in the United States, 2005*. Washington, DC: Author.

Delinquency Prevention

Delinquency prevention refers to intervening in the lives of youth to deter involvement in unlawful acts. It includes programs or policies that involve daycare providers, nurses, teachers, social workers, recreation, youth mentors, parents, faith-based groups, and criminal and juvenile justice agencies. Delinquency prevention is important to understanding race and crime because many youth who are at risk for delinquency are members of minority groups that are overrepresented in juvenile justice. This entry presents a brief history of delinquency prevention and identifies different approaches to prevention, including those representing public health and developmental perspectives.

History of Delinquency Prevention

The history of the prevention of juvenile delinquency in the United States parallels the history of juvenile justice in the United States. Preventing delinquency has been of interest since the first houses of refuge that opened in the early 1800s. More recent developments, including passage of the federal Juvenile Justice and Delinquency Prevention Act of 1974, continued to emphasize prevention.

One of the earliest juvenile delinquency prevention programs was the Chicago Area Project, which began in 1933. It was designed to produce social change in communities that suffered from high delinquency rates. Qualified local leaders coordinated social service centers that promoted community solidarity. More than 20 programs were developed. Some evaluations indicated positive results; others showed that this project did not reduce juvenile delinquency.

Another well-known delinquency prevention program was the Cambridge-Somerville Youth Study. The program's focus was to prevent the early onset of delinquency. The study was divided into a control group and an experimental group. The experimental group received regular, friendly attention and were given medical and educational services. An evaluation of the program 30 years after it ended found that those in the experimental group committed more crime than those in the control group.

In the 1950s a popular trend of delinquency prevention was to make connections with youth who were unlikely to use community centers. Individuals referred to as "detached street workers" were sent to inner-city neighborhoods to create close relationships with juvenile gangs and delinquent groups. The Boston Mid-City Project was the best-known program that used detached street workers. Trained social workers were dispatched to reach out to gang members in their own areas. The workers attempted to connect gang members to job and educational opportunities. An evaluation of the program found that the program resulted in no significant reduction in delinquency.

During the 1960s more federally funded programs emerged that were based on social structure theory. The best-known program of this era was created in New York City. The program, Mobilization for Youth, received more than $50 million in funds from the U.S. government. The program attempted to provide legitimate opportunities for at-risk youth by providing employment and social service programs; the program also promoted voter registration. The program ended as a result of lack of funding. During this era, Head Start was created (and still exists today) for preschoolers who came from lower-class families to help them improve their social, emotional, physical, and mental development. Evaluations of the program found that participants of Head Start averaged more than 10 points higher on their IQ scores than their peers who did not participate in the program. During the 1980s delinquency prevention was viewed as a positive outcome of Head Start program participants.

Prevention Approaches

Successful prevention programs target multiple risk factors, are theory driven, and have measurable goals and objectives at the outset of the program. Community-based programs that include the public health approach and the developmental perspective are important today.

The public health approach utilizes the three prevention categories: primary, secondary, and tertiary. Primary prevention focuses on improving the general well-being of individuals by providing easy access to health care services. Secondary prevention refers to intervening with at-risk children by creating neighborhood programs. The third category is tertiary prevention and focuses on intervening with offenders through, for example, substance abuse treatment, to reduce recidivism.

The developmental perspective is a more popular approach to dealing with delinquency. This model is supported by human development theories and longitudinal studies. It is designed to prevent the criminal potential in juveniles and targets at-risk factors and protective factors against delinquency. The approach addresses both families and children and is implemented in stages over the life course, including childhood, early school years, adolescence, and young adulthood. Other delinquency programs include early intervention strategies, such as home-visitation programs, parenting skill programs, and daycare and preschool programs. Primary-grade programs include school-based programs that assist teachers to use innovative teaching tools to help students learn and understand social norms. Prevention programs in teenage years include mentoring programs such as the Big Brothers/Big Sisters program and after-school programs. Other types of programs for teenagers and young adults include job training programs.

The final type of prevention programs for teens and elementary school students are community-based programs. These programs target socially disorganized areas and provide at-risk youth with alternatives to delinquency. These programs have activities, tutors, mentoring, and community policing.

Liza Chowdhury

See also At-Risk Youth; Mentoring Programs

Further Readings

Curtis, L. A. (1995). *The state of families: Family, employment and reconstruction: Policy based on what works*. Milwaukee, WI: Families International.

Farrington, D. P. (1995). Early developmental prevention of juvenile delinquency. *Criminal Behavior and Mental Health*, *4*, 209–227.

Gottfredson, D. C., Gottfredson, G. D., & Weisman, S. A. (2001). The timing of delinquent behavior and its implications for after-school programs. *Criminology and Public Policy*, *1*, 61–86.

Grossman, J., & Gary, E. (1997, April). *Mentoring—A proven delinquency prevention strategy*. Washington, DC: OJJDP Juvenile Justice Bulletin.

Lundman, R. J. (2001). *Prevention and control of juvenile delinquency* (3rd ed.). New York: Oxford University Press.

Welsh, B. C. (2005). Public health and the prevention of juvenile criminal violence. *Youth Violence and Juvenile Justice*, *3*, 1–18.

Deportation

Increasingly, deportation, a routine state practice comprising various social and political exclusions, banishment, or expulsion of noncitizens or forcible removal of nationals from a country, has become the panacea for migrant management. The policy of deportation is not new, nor is its use confined to a specific epoch, determinate groups, or particular countries. Nations have used deportation as a form of punishment and as a scapegoat mechanism to "cleanse society" of persons deemed "dangerous" or "undesirable" but disproportionately to expel ethnic or racial groups deemed unfavorable. Used extensively worldwide, deportation has been justified by, among other factors, political beliefs, health status, race or ethnic membership, religion, and sexual orientation. Deportation policies highlight historical links between racialization and immigration as evidenced by targeting individuals often based on their physical characteristics whether they are legal immigrants or not.

Statistics

The *Yearbook of Immigration Statistics* shows that between 1892 and 2005, a period of 113 years, 3.5 million people were deported from the United States—1.5 million of those people were deported between 1997 and 2005. In 1995 prior to implementation of new legislation, 50,924 persons were deported. In 1997, after implementation of new and more restrictive legislation, deportations increased to 148,618 and reached 208,521 in 2005. Immigrants in the United States come from all over the world; however, the population of the deported is composed predominantly of immigrants from Mexico, the Caribbean, and Central and South America.

U.S. immigration statistics show variations in the rates of deportation that are influenced by social, economic, political, and cultural factors. Nonetheless, current mass deportations, rationalized as a panacea for crime control and deterrence to illegal immigration, disproportionately affect people of color. This raises the question of what stimulates current exclusionary policies and selective expulsion from the United States.

Legislative Framework

The United States is currently undergoing a period of mass deportation that began with implementation in 1996 of the Anti-Terrorism and Effective Death Penalty Act and the Illegal Immigration Reform and Immigrant Responsibility Act. The latter, applicable to noncitizens, expanded the grounds for deportation, increased the likelihood of removal, eliminated an immigration judge's ability to waive deportation, and limited judicial review in deportation cases. It also made reentry after deportation an offense punishable by a term of 2 to 20 years. These changes also restrict access to appeal. Anyone deemed an aggravated felon is barred from applying

for a waiver of deportation. These apply to both legal permanent residents who have committed an offense (criminal law violations) and individuals who have overstayed their visas or entered illegally (administrative violations).

Prior to 1965, immigrants came predominantly from Europe. Although legislative changes occurring in 1965, 1980, 1986, 1988, 1990, and 1996 have had varying effects on immigrants, the Immigration and Nationality Act Amendments of 1965 weakened earlier restrictions on non-White immigrants by opening immigration to persons from Asia, Africa, and Latin America. The Immigration and Nationality Act Amendments, together with broader social changes in the United States—such as a healthier economy, labor shortages, geopolitics, civil rights advocacy, greater tolerance of ethnic minorities, and the political environment—produced a demographic transformation. These changes increased the population of non-White immigrants. This shift in immigration source countries affected changing ethnicities of persons entering the United States and led to greater discussion of the relationship between race, ethnicity, and immigrant status in criminology. This shift further entrenched the racialization of immigration.

Racialization of Immigration

Exclusion on the basis of race commenced in 1790 when naturalization laws required that applicants be "free White persons." The Alien and Sedition Acts of 1798 gave the president power to oust any noncitizen deemed dangerous. Laws such as the Immigration and Naturalization Act of 1924 are evidence of the racialization that has long been an integral part of America's immigration laws, policies, and practices. In 1882 the Chinese Exclusion Act placed restrictions on Chinese entering the United States. Later extended to all Asians and other categories of persons, it was not repealed until the 1940s. Over the years, legislation created a system of racial restrictions that became entrenched during the 1950s.

The 1965 change in ethnic composition has been derogatorily labeled the "Browning of America." A resurgence in xenophobic sentiments and complaints that immigrants disproportionately contribute to America's crime and violence have accompanied this label. Research and the preponderance of scientific evidence empirically disproved the perception that immigrants are responsible for increasing the crime rate in the United States.

Indeed, decades of research have proven that immigrants do not disproportionately engage in criminal activity; on the contrary, in many instances, immigrants commit fewer crimes than native-born individuals. Since 1994, violent and property crimes have fallen. Simultaneously, the illegal immigrant population has increased from 5 million to 12 million. However, increased spending on border control has given the false impression that current immigration policy is effective in reducing both the flow of migrants and the incidence of crime in the United States.

Globalization has increased the flow of people across borders with European and North American nations receiving more and more migrants. It is the prerogative of each nation to allow or deny access to another country's people and to exclude or deport noncitizens. The issue is not whether the United States should keep "deportable" felons but, instead, whether deportations from the United States are consistent with U.S. values and with human rights laws. Equally important is the effectiveness of these policies. It remains unclear what the current policy hopes to achieve, as it is debatable whether deportation of illegal migrants is effective in reducing crime in the United States. The illegal migrant population is increasing while immigration enforcements, such as the erection of walls, are making matters worse. Despite the penalty for reentry, deportation has become a revolving door through which many simply reenter the United States after deportation. Enforcement has only displaced the point of entry into the United States and exacerbated social problems such as the death of persons who attempt to cross the border under dangerous conditions.

The United States has, throughout history, permitted the removal of noncitizens. However, due in part to the influence of social, economic, political, and cultural structures, the definition of *removable* is malleable and nebulous with danger being historically specific. Now *danger* seems synonymous with people of color.

Marlyn J. Jones

See also Immigrants and Crime; Immigration Legislation; Immigration Policy; Racialization of Crime

Further Readings

Bloch, A., & Schuster, L. (2005). At the extremes of exclusion: Deportation, detention and dispersal. *Ethnic and Racial Studies*, *28*(3), 491–512.

Brimlow, P. (1995). *Alien nation. Common sense about America's immigration disaster*. New York: Random House.

Chan, W. (2005). Crime, deportation and the regulation of immigrants in Canada. *Crime, Law and Social Change*, *44*(2), 153–180.

Dougherty, M., Wilson, D., & Wu, A. (2006, November). *Immigration enforcement actions: Annual report 2005*. Department of Homeland Security. Retrieved from http://www.dhs.gov/xlibrary/assets/statistics/yearbook/2005/Enforcement_AR_05.pdf

Greenblatt, A. (1995, April 15). History of immigration policy. *Congressional Quarterly Weekly, 53*, 1067.

Hong, N. (1990, Summer). The origin of American legislation to exclude and deport aliens for their political beliefs, and its initial review by the courts. *Journal of Ethnic Studies, 18,* 1–36.

Horowitz, C. (2001, April). *An examination of U.S. immigration policy and serious crime*. Retrieved from http://www.cis.org/articles/2001/crime/toc.html

Johnson, K. R. (1996). Fear of an "alien nation": Race, immigration, and immigrants. *Stanford Law and Policy Review, 7*, 111–118.

Martinez, R., Jr., & Valenzuela, A., Jr. (2006). *Immigration and crime: Race, ethnicity and violence*. New York: New York University Press.

Schrecker, E. (1996–1997, Winter). Immigration and internal security: Political deportations during the McCarthy era. *Science & Society, 60,* 393–426.

U.S. Department of Homeland Security. (2006, December 8). *Yearbook of immigration statistics: 2005*. Retrieved from http://www.dhs.gov/ximgtn/statistics/publications/YrBk05En.shtm

U.S. Department of Justice. (n.d.). *Drugs and border security* [Fact sheet: FY2008 budget]. Retrieved August 13, 2007, from http://www.usdoj.gov/jmd/2008factsheets/pdf/0803_border_security.pdf

U.S. Government Accountability Office. (2006, August). *Illegal immigration: Border crossings have doubled since 1995* (Report No. GAO-06-770). Retrieved from http://www.gao.gov/new.items/d06770.pdf

U.S. Government Accountability Office. (2006, September). Estimating the undocumented population (Report No. GAO-06-775). Retrieved from http://www.gao.gov/new.items/d06775.pdf

U.S. Immigration and Naturalization Service. (1999). *Statistical yearbook of the Immigration and Naturalization Service, 1997*. Retrieved from http://www.dhs.gov/xlibrary/assets/statistics/yearbook/1997YB.pdf

Detroit Riot of 1967

The 1967 Detroit riot marked a point in U.S. history at which racial tensions between African Americans and Whites reached deadly proportions. Prior to the 1967 riot, allegations of police brutality, racial tension, and racial discrimination prompted a string of racial riots, including the riots in Rochester and Philadelphia in 1954 and in the Watts residential district of Los Angeles in 1965. The underlying causes of the succession of riots included social, political, and economic factors that led to disparate treatment of African Americans. The Detroit riot began on Sunday, July 23, 1967, in a predominantly African American neighborhood located at 12th Street and Clairmount Avenue. Like the riot on Detroit's Belle Isle in 1943, the 1967 riot was the result of political unrest, racial unrest, and turmoil. The 1967 Detroit riot lasted for 5 days and resulted in the death of 43 people. Thirty-three of the individuals were African American, and the remaining 10 were White. According to the writings of historian Sidney Fine, numerous individuals were injured, over 7,000 people were arrested, and over 1,000 buildings were burned in the uprising.

The immediate events leading to the riot involved a police vice squad raid of an illegal after-hours drinking club (also known as a "blind pig"). The location was the site of a welcome home party for two returning Vietnam War veterans. The vice squad, known as the "Big Four," arrested all patrons in attendance. Within 1 hour, all of the 82 African American patrons were arrested in the raid. Local residents who witnessed the raid protested. Several Detroit residents vandalized property, looted businesses, and started fires. Police responded by blocking a square mile of the city street, but outraged local residents drove through the blockade. The protesting and

rioting spread to other areas of the city as local police lost control of the situation. Over the next several days, more than 9,000 members of the National Guards were called, along with 800 Michigan State Police. President Lyndon B. Johnson sought federal support and mobilized military troop involvement in the raid.

To understand the immediate events leading up to the 1967 Detroit riot, it is important to understand the social context. Deindustrialization, geographical and emotional isolation from mainstream society, lack of access to legitimate opportunities, and unemployment were all barriers that African Americans endured during this time in history. Deindustrialization resulted in the loss of industrial jobs that had been filled by young, minority, and unskilled workers. Such jobs were replaced with skilled positions requiring formal education. Car manufacturers in the city of Detroit automated assembly lines and outsourced some of their production. "White flight" and a shift in the tax base to the suburbs also contributed to deindustrialization. The loss of industrial jobs resulted in the decline of the Black middle class as industrial jobs were replaced with low-paying service jobs. Poverty and welfare had been pervasive in Detroit's inner-city neighborhoods as African Americans were left behind when manufacturing jobs moved to the suburbs. Detroit's 12th Street neighborhood residents lived in persistent and extreme poverty. They were isolated from mainstream society and lacked the mobility to end the cycle of poverty. African Americans lived under intense racial segregation, concentrated within certain areas and grouped together within certain pockets of the city. Urban renewal or freeway construction had eradicated areas in which African Americans once thrived and forced them into densely populated areas of the city. Housing shortages, housing discrimination, barriers to homeownership, and exclusion from certain areas forced many African Americans to remain in impoverished housing. Although African Americans in the city of Detroit fared better than African Americans in a number of other areas of the United States, they wanted equal housing opportunities.

Police brutality and racial profiling were ordinary occurrences in Detroit's inner-city neighborhoods. Neighborhood residents were subjected to unwarranted searches, harassment, and excessive use of force by Detroit police. Several controversial shootings and beatings of African Americans occurred during this time and resulted in citizen mistrust of the police department and a belief that police did not care about African Americans. It appears that police brutality and overall racial inequality led to frustration and ultimately a revolt against what African American citizens deemed the establishment, or representative thereof. The 1967 Detroit riot is considered to be a catalyst for the Black Power movement.

Traqina Quarles Emeka

See also Harlem Race Riot of 1935; Los Angeles Race Riot of 1965; Los Angeles Race Riots of 1992; Police Use of Force; Race Riots

Further Readings

Fine, S. (1989). *Violence in the model city: The Cavanaugh administration, race relations, and the Detroit riot of 1967*. Ann Arbor: University of Michigan Press.

Hershey, J. (1998). *The Algiers Motel incident*. Baltimore: Johns Hopkins University Press. (Original work published 1968)

Kenyon, A. M. (2004). *Dreaming suburbia: Detroit and the production of postwar space and culture*. Detroit, MI: Wayne State University Press.

Sugrue, T. J. (1995). Crabgrass—roots politics: Race, rights, and reaction against liberalism in the urban north, 1940–1964. *Journal of American History*, *82*(2), 551–578.

Sugrue, T. J. (1996). *The origins of the urban crisis: Race and inequality in postwar Detroit*. Princeton, NJ: Princeton University Press.

Thompson, H. A. (2001). *Whose Detroit? Politics, labor, and race in a modern American city*. Ithaca, NY: Cornell University Press.

Discrimination–Disparity Continuum

The discrimination–disparity continuum designates a typology of discrimination attributable to the criminal justice system. This continuum provides a means to determine the degree of

discrimination in the processes, procedures, and outcomes of the criminal justice system through examination of the employees, institutions, and policies of the system. This entry identifies and defines key terms related to the discrimination–disparity continuum and describes the continuum in full. It also discusses various scholarly viewpoints regarding placement of the criminal justice system on the continuum, at the levels of systematic discrimination, institutionalized discrimination, contextual discrimination, and individual acts of discrimination.

Key Terms and Definitions

Discrimination and disparity are topics actively addressed in criminology that are often misunderstood or misrepresented because of differences in terminology usage and operationalization. Before the discrimination–disparity debate can be understood, key terms must first be identified and defined. Race and ethnicity are two causal characteristics of discrimination and disparities in criminal justice. *Race* is an individual's biological and physical characteristics but is usually socially constructed. Race is often simplified as a color, separated by Black and White. It is important to understand that not only do other skin colors exist but other features, such as facial characteristics, height, and weight, aid in the determination of race. *Ethnicity* is an individual's nationality or culture identification and is usually defined by the individual. It is constructed through language, country of origin, religion, and other important traditions. *Prejudice* is a belief or biased opinion that others are unworthy or less than human because of an identifiable characteristic such as race or ethnicity.

The difference between discrimination and disparity can be simplified by the following statement: All discrimination is a disparity, but not all disparities are discrimination. *Disparity* is a differential outcome due to natural forces rather than unequal treatment. In criminal justice, disparities are based on legal factors or aspects related to law, including seriousness of the offense and prior criminal record. For example, if police perform traffic stops with more African Americans in neighborhoods that are predominantly African American than in other neighborhoods, the difference is a disparity because African Americans are more readily available and arguably committing more traffic violations. If police perform more traffic stops on African Americans in neighborhoods that are predominantly European American and where European Americans are committing more traffic violations, the difference would constitute discrimination. Thus, *discrimination* is an inequality due to purposive actions whereby individuals receive differential treatment as a result of belonging to a descriptive category such as race, sex, or age. Discrimination is the acting out of prejudicial attitudes. In the previously given example, police officers' active pursuit of African Americans when European Americans are committing more traffic offenses illustrates discrimination in which officers base stops on extralegal factors (i.e., African American race) and not legal circumstances (i.e., type of traffic violation).

It is important to note that results in and of themselves cannot resolve the disparity–discrimination debate. The causal processes of outcomes must be scrutinized to determine if discrimination exists. Accordingly, in the example presented earlier, if police officers were stopping more African Americans because their offenses were perceived to be more serious (e.g., driving while intoxicated versus speeding), then the stops may not be a result of discrimination. On the other hand, if officers were conducting more traffic stops on African Americans because of a belief that African Americans carry illegal drugs and a traffic stop will lead to an arrest for a more serious offense, then stops would constitute discrimination. A more concrete example of discrimination would be if police officers conduct traffic stops on African Americans because of an informal departmental policy to stop all minorities. In summation, discrimination is an act or behavior based on prejudicial beliefs about extralegal factors, whereas disparities occur "just because" of legal factors. Discrimination reflects differential treatment of minorities, whereas disparities occur due to differential criminal involvement of minorities. Distinguishing between specific instances of discrimination and disparity requires background information on the situation and reasons why decisions were made.

The Discrimination–Disparity Continuum

Samuel Walker, Cassia Spohn, and Miriam DeLone created the discrimination–disparity continuum to simplify and understand the debate over whether the criminal justice system is discriminatory and, if so, to what degree. As highlighted earlier with the police traffic stop example, discrimination and disparities are complex phenomena with varying degrees and levels. The continuum is depicted in Figure 1.

The highest level of discrimination, *systematic discrimination*, refers to intentional and complete discrimination throughout the criminal justice system—in all the procedures, processes, policies, and institutions, as well as by individuals. It depicts all criminal justice system institutions (i.e., law enforcement, courts, and corrections) as collectively engaging in purposive discriminatory practices. One example from history is the Jim Crow laws, which were solely against and limited actions of people of color.

Institutionalized discrimination frames the criminal justice system as a set of interrelated organizations (i.e., law enforcement, court, corrections) that perform actions using conventional procedures that yield disparate outcomes. Unlike systematic discrimination, where intent to be discriminatory exists, institutionalized discrimination operates more subtly. Often termed *de novo* discrimination, the regulatory policies were originally created with prejudicial intent that is now absent. The prejudice is now ingrained in the organization's framework, and disparities result from mere practice of conventional norms and rules. One example of institutionalized discrimination is drug laws. Drug laws, including those against the use of marijuana, heroin, and opiates, were originally enacted to control people of color and limit their freedoms and cultural expressions. For instance, in the late 1800s and early 1900s, laws were passed banning heroin and other opiates and providing severe penalties for violations. This legislation was intended to discourage emigration from China to the United States. Other laws governing drug use and sale are in effect today and often create disparities in arrest and incarceration rates; however, in the absence of an intent to discriminate, it is questionable whether such laws and outcomes can be considered to be discriminatory.

Contextual discrimination roots discrimination in certain situations or environments (e.g., one police district but not the whole force) to an extent greater than individual action. The environment supports discriminatory acts and may be incorporated into the socialization process and informal rules that define particular situations, but discrimination does not characterize an entire institution at every place and time. Biased behavior is highly dependent on the context, and not every policy or procedure is clouded by discrimination or prejudice. One example of contextual discrimination would be traffic stops targeting all African Americans who drive expensive cars when all other drivers are treated equally.

Individual acts of discrimination are disparities that result from a particular person's actions (e.g., one police officer is discriminatory, but others do not perform duties in a discriminatory manner). Most scholars agree that because humans are social beings and work as agents of the criminal justice system, this is the minimum level of discrimination present in the system: Some individuals are biased, which encompasses beliefs, values, and actions in their personal and professional lives.

Finally, *pure justice* represents a criminal justice system that is free from all disparities and has no possibility of being discriminatory. Few, if any, argue that this characterizes criminal justice; hence, it is not discussed in the next section.

Figure 1 Discrimination–Disparity Continuum

Source: Walker, Spohn, and DeLone (2007).

Discrimination–Disparity Debate

This section highlights four levels of the discrimination–disparity continuum by providing scholars' viewpoints on systematic, institutionalized, contextual, and individual discrimination. It showcases the general debate of whether the United States is characterized by discrimination or disparity.

Systematic Discrimination

Coramae Mann is a proponent of the discrimination thesis, which holds that the criminal justice system is based on systematic discrimination. According to this thesis, not only is the United States a nation built on discrimination against African Americans, Hispanics, Native Americans, and other minorities, but the criminal justice system purposively perpetuates this belief structure in all of its procedures and policies. From the processes of law creation to incarceration and with everything in between, criminal justice institutions ensure that outcomes are discriminate against minority populations. This hinders assimilation of minority cultures into the United States because others become fearful and untrusting of those who have been typecast as criminals, murderers, rapists, and the like. Under the systematic discrimination viewpoint, justice becomes a fight against the myth of the minority criminal.

Institutionalized Discrimination

William Julius Wilson argues that the criminal justice system is based on institutionalized discrimination. The agenda of the criminal justice system is to be honest and fair, but because of structural characteristics of society, it is improbable for the system to be truly egalitarian. The structure of society in its education, employment, and housing markets has forged an unequal society, leaving certain members behind. These members are often termed the *poverty-stricken*, *underclass*, *proletariat*, or *truly disadvantaged*. In the United States these are frequently minorities. The criminal justice system sets laws that are enacted against those who cannot conform to the norms and rules of the majority society. Discrimination becomes institutionalized because procedures of criminal justice organizations are enforced in disparate manners against impoverished minorities, who are unable to live by conventional standards and are punished because society is incapable or unwilling to provide aid.

Contextual Discrimination

Walker, Spohn, and DeLone propose that the criminal justice system has been accurately portrayed on the continuum as systemic and institutionalized in the past, but the current status is more reflective of contextual discrimination. The criminal justice system has disparate outcomes at most processing levels (i.e., arrest, charging, and sentencing) but statistical significance normally disappears when the system is examined at a state or national level. If jurisdictions or localities are examined individually, statistics vary between no disparities to high levels of disparity. The reasoning for this is that not all police departments, prosecutorial attorney offices, courtrooms, and correction departments act in manners that result in disparity. Instead, disparities and discrimination are interwoven into particular situations and environments so that particular processes produce disparities.

Individual Acts of Discrimination

William Wilbanks has been portrayed as a leader of the nondiscriminatory thesis, which states that the criminal justice system is not discriminatory but individual actors employed by the system act in discriminatory manners that contribute to disparate outcomes. Confusion of the level of discriminatory practices in the criminal justice system is due to an inability to agree on key terms such as *race*, *ethnicity*, *racism*, and *discrimination*. Multiple theories and the need of a continuum exist because of this inability to define terms with precision and care. The system does not perpetuate racist behaviors; rather, it is an individual effort by those who act on personal biases while employed as agents of criminal justice institutions.

Conclusion

The discrimination–disparity continuum is a tool to be used when describing outcomes of the

criminal justice system. The continuum suggests that outcomes cannot be simplified into categories of discrimination or no discrimination, because varying levels exist throughout the United States as a result of jurisdictional differences. The discrimination–disparity debate is highly dependant on definitions of key terms as well as an understanding and conception of process statistics including arrest and incarceration rates. This entry highlights pieces of the debate but more research should be accomplished to draw a personal conclusion regarding where the criminal justice system lies on the continuum.

Jennifer L. Huck

See also Crime Statistics and Reporting; Disproportionate Minority Contact and Confinement; Myth of a Racist Criminal Justice System; Racism

Further Readings

Bell, D. (1992). *Faces at the bottom of the well: The permanence of racism*. New York: Basic Books.

Gans, H. J. (1995). *The war against the poor: The underclass and antipoverty policy*. New York: Basic Books.

Mann, C. R. (1993). *Unequal justice: A question of color*. Bloomington: Indiana University Press.

Walker, S., Spohn, C., & DeLone, M. (2007). *The color of justice: Race, ethnicity, and crime in America* (4th ed.). Belmont, CA: Thomson/Wadsworth.

Wilbanks, W. (1987). *The myth of a racist criminal justice system*. Pacific Grove, CA: Brooks/Cole.

Wilson, W. J. (1987). *The truly disadvantaged: The inner city, the underclass, and public policy*. Chicago: University of Chicago Press.

Disproportionate Arrests

African Americans and members of other racial minorities are arrested at rates disproportionate to their numbers in the U.S. population. Criminologists have debated whether this pattern can be explained by such factors as disparities in rates of offending or whether it reflects racial discrimination in law enforcement. Law enforcement officials have considerable discretion to decide in which geographical areas they will focus their activities and how to deal with individuals that they apprehend in the course of these activities, including whether to arrest and charge them. For much of U.S. history, legal structures upheld slavery, segregation, and discrimination against racial minorities. Because the role of the police was to enforce these laws, some scholars argue that this established a pattern of police behavior and attitudes toward minority communities that still persists. Whatever the truth of this analysis, a growing body of evidence points to significant and unjustifiable racial disparities in arrest rates in the United States.

Arrest Rates

African Americans constitute about 12% of the U.S. population, but in 2003 made up about 27% of all arrests, 33% of arrests for crimes on the Federal Bureau of Investigation *Uniform Crime Reports'* index of serious crimes, and 37% of arrests for violent crimes. Similar patterns have persisted for as long as the relevant statistics have been gathered. Hispanics also experience disproportionate arrest rates. Debate has centered on whether these figures indicate racial bias by police officers or in the methods they employ, or whether they can be explained in other ways.

Some criminologists have argued that disparities in arrest rates can be accounted for on the assumption that Blacks are more likely to commit serious crimes than the general population and more likely to be disrespectful and hostile to the police in potential arrest situations. Many others have countered that such factors cannot explain all of the differences. One extensive study of more than 20 large police departments concluded that suspects were more likely to be arrested if they were Black and the victim was White. A California study found that African Americans and Hispanics were much more likely to be arrested on the basis of weak evidence, because charges were later dropped more often in their cases. The rate of unfounded arrests for Blacks was 4 times that of Whites. For Hispanics the rate was more than double the White rate. In major cities the disparity was greater. In Los Angeles the rate of unfounded arrests for African Americans was 7 times greater than the White rate, and in Oakland, 12 times greater. A more recent study of racial profiling in

traffic stops found that, after controlling for other relevant factors, young minority men were still more likely to receive citations, be searched and arrested, and have force used against them. A 2005 official study by the Department of Justice reported similar findings (although the head of the Bureau of Justice Statistics was demoted after he attempted to publicize this). Studies of juvenile detentions have also found that after controlling for other relevant factors (such as seriousness of the offense and social background), African American and Hispanic youths are more likely to be arrested.

An extensive 1988 overview of numerous studies of race and the criminal justice system by the *Harvard Law Review* concluded that the race of the suspect was a significant factor in arrest decisions. National statistics add support to these studies. In 2003 the National Criminal Victimization Survey reported that in about 23% of violent crimes, victims said their assailants were Black, compared to a 37% Black arrest rate for such crimes.

Drug Arrests

Evidence of racial bias is perhaps strongest in the case of arrests for drug offenses. Between 1980 and 2000, the number of arrests nationwide for drug offenses rose from 581,000 to 1,579,566, despite an apparent decline in drug use during the same period. The best available data indicate that the rate of drug use among African Americans is the same as among Whites and slightly higher than the rate for Hispanics. Yet at the beginning of this period, Blacks accounted for 21% of arrests for drug possession and at the end of it, 32%. In 2000, African Americans made up 16% of recent cocaine users but 45% of arrests for cocaine possession. Blacks are also disproportionately arrested for selling drugs. In 1980 they represented 35% of such arrests; by 2000 the number had jumped to 47%. There is no evidence that Blacks are more likely to sell drugs than Whites, and a study of drug transactions in six major cities found that drug users typically buy drugs from a member of their own racial or ethnic group.

These high arrest rates appear to be the result of decisions by police departments to target Black inner-city neighborhoods for drug sweeps. Compared to suburban neighborhoods, inner-city drug deals are more likely to take place on the street. But racial disparities exist even with respect to outdoor arrests. African Americans use crack cocaine at a much higher rate than do Whites (ranging from 4.5 to 11 times the White rate, depending on the year in which the survey was carried out). But while a study in Seattle found that crack was involved in about one third of outdoor sales of serious drugs, and that crack sales were much less likely to involve violence than outdoor sales of other drugs, fully 75% of outdoor arrests were for crack. This study concluded that there was a definite racial bias in the way that law enforcement was conceptualizing the drug problem, reflected in the very different arrest rates.

Philip Gasper

See also Disproportionate Arrests; Racialization of Crime; Sentencing Disparities, African Americans; Sentencing Disparities, Latina/o/s; Sentencing Disparities, Native Americans; Violent Crime; War on Drugs

Further Readings

Free, M. D., Jr. (2001). Racial bias and the American criminal justice system: Race and presentencing revisited. *Critical Criminology*, *10*, 195–223.

Gabbidon, S. L., & Greene, H. T. (2005). *Race and crime*. Thousand Oaks, CA: Sage.

Mauer, M. (2006). *Race to incarcerate* (2nd ed.). New York: The New Press.

Walker, S., Spohn, C., & DeLone, M. (2007). *The color of justice: Race, ethnicity, and crime in America* (4th ed.). Belmont, CA: Thomson/Wadsworth.

Disproportionate Incarceration

African Americans, Hispanics, and members of other minority racial and ethnic groups are incarcerated in federal and state prisons and in local jails at much higher rates than their numbers in the U.S. population. Although some criminologists have argued that this pattern can be explained by such factors as disparities in arrest

rates, there is growing consensus that a significant portion of it reflects unwarranted racial bias (both direct and indirect) in the workings of the criminal justice system and systemic racism in the wider society. This entry reviews rates of incarceration for minorities compared with those for Whites and for the general population in the United States, as well as the historical context of these differences. It then examines explanations of these disproportionate incarcerations that go beyond an appeal to higher arrest rates for minorities.

Statistics

African Americans constituted about 12.4% of the U.S. population in 2006, but they constituted over 37% of those in federal and state prisons and almost 39% of those in local jails—about 3 times their percentage in the population as a whole. Hispanics made up 14.8% of the general population but over 20% of those in prison and nearly 16% of those in jail. By contrast, non-Hispanic Whites were 66% of the total population but only about 35% of the prison population and 44% of the jail population. (In 2006 there were over 1.5 million prisoners and about 760,000 jail inmates in the United States.) One in every 41 Blacks and 1 in 96 Hispanics were incarcerated, compared to 1 in 133 of the total population and 1 in 245 Whites; this means that Blacks are incarcerated at approximately 6 times the rate of Whites. One in 9 African American men between the ages of 20 and 34 were behind bars, almost 15 times the incarceration rate for the population as a whole (which is itself the highest in the world—almost 7 times the rate in Europe) and 8 times the rate for all men.

History

Statistical disparities do not by themselves demonstrate discrimination (because it may be possible to explain them in terms of legitimate factors), but given the long history of racial inequities and institutionalized discrimination in the United States, many scholars believe that the burden of proof lies with those who would deny that a significant portion of the differences in incarceration rates today is the result of racism. In the antebellum South, "slave codes" denied Blacks most legal rights and prohibited them from gathering unless a White person was present. Punishments for many crimes were determined by race in both the North and the South. In Pennsylvania, for example, the penalty for an African American man convicted of raping a White woman was death, whereas a White man convicted of the same crime faced no more than 7 years in prison. A White man convicted of raping a Black woman in Georgia could escape with a fine.

After the Civil War, the former Confederate states introduced "Black Codes," designed to maintain White supremacy and ensure a supply of cheap labor. For example, unemployed Blacks of no fixed abode could be arrested for vagrancy and, if unable to pay a fine, required to perform labor. These codes were struck down by the passage of the Fourteenth and Fifteenth Amendments to the Constitution during the period of Reconstruction, but these codes came to an end in 1877, southern states enacted Jim Crow segregation laws under the fiction of "separate but equal," and Blacks and other minority racial groups continued to be treated unequally by the police and courts, despite the Constitution's promise of equal treatment. During the late 19th century, incarceration expanded dramatically in the South, with many Blacks arrested for "crimes" such as vagrancy and loitering and the creation of an extensive convict-lease system, which rented mainly Black prisoners to private landowners and businesses—a system that many regarded as worse than slavery, as employers were not concerned if their prison-laborers died. When the convict-lease system finally ended in the early 20th century, it was replaced in many states by the use of prisoners in chain gangs to build roads and labor on other public works projects. Meanwhile, pervasive racism ensured that members of minority groups continued to receive unequal treatment in the criminal justice system.

Much has changed since the first half of the 20th century, but the rise of the civil rights movement and the end of legalized segregation in the 1950s and 1960s provoked a backlash in which leading political figures played on racial fears to advance a conservative "law and order" agenda, resulting in a dramatic increase in incarceration rates that has disproportionately affected people

of color. In 1972, the incarceration rate in the United States was 160 per 100,000, with 190,000 behind bars. Over the next 35 years, the incarceration rate increased almost fivefold and the number of prisoners more than tenfold. By 2003, twice as many African American and Hispanic men were incarcerated than were enrolled in higher education.

Explaining the Disparities

Criminologists have investigated the extent to which the racial differences in incarceration rates might reflect factors such as arrest rates, prior criminal records of those arrested (which would affect both the likelihood of imprisonment and the length of sentence), and the seriousness of the crimes with which defendants are charged. According to several studies, most—although not all—of the racial disparities can be explained in these terms.

However, explanations of this sort may mask some forms of discrimination. For example, there is evidence that there is racial bias in arrest rates themselves, reflecting the discretion of law enforcement officials to decide which locations to police and whether to arrest and charge individuals who are apprehended. The same considerations mean that minority defendants may be more likely to have accumulated prior criminal records. Moreover, arrest and incarceration rates may also reflect racial bias if the law itself unfairly criminalizes, or mandates harsher punishments for, activities that are more likely to be engaged in by members of minority groups. Higher arrest rates are also partly the result of greater poverty, higher unemployment, worse educational opportunities, and other symptoms of institutional racism in minority communities. African American and Hispanic minors are also significantly more likely to be suspended and expelled from schools, increasing their likelihood of becoming involved in the criminal justice system.

Even setting aside these considerations, Blumstein's research leaves 24% of the disparity in incarceration rates unexplained, which in 2006 amounted to over 200,000 African Americans in prison or jail. In fact numerous studies have documented the existence of significant racial disparities at every stage of the criminal justice process after arrest. For example, Black and Hispanic defendants are more likely to be detained before trial than are White defendants, substantially increasing the likelihood of receiving a prison sentence. Some studies have found evidence that unfavorable racial stereotypes sometimes play a role in court decisions about who will receive bail and how high it will be set. Other studies have concluded that the defendant's economic status is often the deciding factor, disproportionately affecting African Americans and Hispanics, who are more likely to be poor than Whites.

There is also evidence that racial bias sometimes plays a role in prosecutors' decisions about whether to charge suspects, what charges to file, whether to offer plea bargains, and what deals to offer in such cases. For example, a study of King County, Washington, which controlled for factors such as past criminal record and seriousness of the crime, found that African Americans were 1.15 times more likely, and Native Americans 1.7 times more likely, to be charged with a felony than were Whites. Researchers have also shown that charging decisions are often affected by the race of the defendant and the race of the victim, particularly in cases of murder and sexual assault, with Black-on-White crimes being dealt with more harshly than White-on-White, Black-on-Black, or White-on-Black crimes. This may reflect both the prejudice that Black defendants are more dangerous and the prejudice that Black victims are less worthy. Additionally there is evidence that minority defendants are offered plea bargains less often than are Whites and are offered worse deals.

Finally, there is evidence of racial bias in court proceedings, including the use of peremptory challenges by prosecutors (and sometimes defense attorneys) to remove people of color from the jury pool on the assumption that they will be less likely to convict minority defendants (and more likely to convict White defendants), manipulation of the racial prejudices of jurors, and the imposition of harsher sentences on minority defendants. Numerous studies have confirmed that, even when other factors are controlled for, African Americans and Hispanics are more likely to receive prison and jail sentences than are Whites and are sentenced to longer terms. However, the studies also reveal that the importance of race can vary considerably from one jurisdiction to another and may depend on the

nature of the crime and on other defendant characteristics (such as age and employment status).

The War on Drugs

Much of the large increase in incarceration rates since the early 1980s has been due to an escalation of the War on Drugs, which has disproportionately impacted African American and Hispanic communities. Drug arrests climbed from 581,000 in 1980 to 1.89 million in 2006, with more than 80% of the total for simple possession. But although drug use rates in various racial and ethnic groups are roughly comparable, the drug arrest rate for African Americans in 43 of the biggest cities in the United States during this period has grown by 225% yet only 70% for Whites. In 11 of the cities, the African American arrest rate increased by over 500%. A study of sentencing outcomes in 34 states found that Black men are nearly 12 times more likely than White men to be imprisoned on drug charges, and Black women are 4.8 times more likely than White women to be imprisoned. In 2003, over 53% of those imprisoned for drug offenses were African American and a further 20% were Hispanic.

Sharp differences in drug arrest rates in different U.S. cities show that much of the racial disparity is the result of decisions by local law enforcement officials to concentrate enforcement in minority inner-city neighborhoods rather than, for instance, in majority White suburbs. Laws that disproportionately impact minority groups skew the numbers further. Federal legislation enacted in the 1980s mandates a 5-year sentence for possession of 5 grams of crack cocaine, most commonly used by African Americans, and the same sentence for selling 500 grams of powder cocaine, the variant of the drug used by more affluent Whites. Several states maintain similar sentencing disparities. "School zone" drug laws, passed by many states, provide another example. These laws increase the penalties for drug offenses committed within a specified distance of schools, playgrounds, youth centers, and similar facilities. African Americans and Hispanics live disproportionately in more densely populated urban locations, where large areas of cities fall within the enhanced penalty zones. By comparison, far fewer locations in majority White suburbs and rural areas fall within these zones. As a consequence, most of those penalized by such laws are Black and Hispanic.

Philip Gasper

See also Disproportionate Arrests; Sentencing Disparities, African Americans; Sentencing Disparities, Latina/o/s; Sentencing Disparities, Native Americans; War on Drugs

Further Readings

Fellner, J. (2008). *Targeting Blacks: Drug law enforcement and race in the United States*. Retrieved from Human Rights Watch: http://www.hrw.org/reports/2008/us0508

Gabbidon, S. L., & Greene, H. T. (2005). *Race and crime*. Thousand Oaks, CA: Sage.

King, R. S. (2008). *Disparity by geography: The War on Drugs in America's cities*. Retrieved from The Sentencing Project: http://www.sentencingproject.org/PublicationDetails.aspx?PublicationID=614

Mauer, M. (2006). *Race to incarcerate* (2nd ed.). New York: The New Press.

Walker, S., Spohn, C., & DeLone, M. (2007). *The color of justice: Race, ethnicity, and crime in America* (4th ed.). Belmont, CA: Thomson/Wadsworth.

Disproportionate Minority Contact and Confinement

Disproportionate minority contact is the unequal involvement and participation of minorities with agents of the criminal justice system such as police officers, judges, and probation officers. Disproportionate minority confinement is the unbalanced incapacitation of minorities in secure detention facilities, jails, and prisons. Contact and confinement statistics are considered disproportionate when a higher percentage of a population is present in criminal justice than the proportion in the general population. Overrepresentation of minorities is examined through discretionary decision points of the system (e.g., arrest, sentencing) with the understanding that no single decision creates disproportional statistics; rather it is a cumulative effect of all decisions.

This entry provides an explanation of disproportional involvement and treatment along with statistics on adult and juvenile populations. Evaluation of police and court practices will offer a substantive and procedural background on disproportionate minority contact and confinement. An illustration on the use of drug laws is offered to demonstrate the cumulative effect of decision points. To conclude, approaches that can lessen disparities are discussed.

Disproportional Involvement and Treatment

Criminal justice statistics do not mirror those of the general population; minorities are more likely to have contact with, and be confined in, the criminal justice system. According to the 2006 *Uniform Crime Report,* Black adults accounted for 28% of arrests but were only 12% of the general population (Hispanic statistics were not included in this report). Additionally, according to the Bureau of Justice Statistics, Black men comprised 41% of prison and jail populations; 4.8% of Black men in the United States were behind bars. Further, almost 2% of Hispanic men were incarcerated, but only 0.7% of White men were incarcerated. Similarly for adult women, Blacks were 4 times more likely to be incarcerated than Whites and 2 times more likely than Hispanics.

Juvenile statistics are just as disparate: According to the 2006 *Uniform Crime Report,* Black juveniles were 15% of the general population but 30% of total arrests or 51% of violent arrests and 32% of property arrests. In 2003 per the Office of Juvenile Justice and Delinquency Prevention, Black youth were almost 4 times more likely than White youth to be incarcerated and 2 times more likely than Hispanics. Overall, minorities were held in custody at a per capita rate of 502, whereas the per capita rate for Whites was only 190. These juvenile and adult statistics suggest that disproportional minority contact and confinement exist in the United States.

Disproportionate minority contact and confinement have been explained by two opposing viewpoints of differential involvement and differential treatment. *Differential involvement* argues that whether for biological, sociological, or psychological reasons, minorities are more prone to criminal tendencies and commit more criminal acts. In other words, it is contended that minorities are more prevalent in criminal justice because by committing more deviant acts, minorities have a higher chance of being caught and subsequently arrested, sentenced, and incarcerated. Differential involvement is an offender-oriented explanation.

Differential treatment proposes that the criminal justice system operates in a discriminatory manner by selectively enforcing policies and procedures to harass minority populations. Minorities are overrepresented in criminal justice because decision makers respond to individuals in a prejudicial manner due to extralegal factors such as race and ethnicity. Differential treatment is a systemic explanation.

Law Enforcement and Disproportionate Contact

Law enforcement act as gatekeepers of the criminal justice system enabling their actions to strongly impact who is placed into the system. Law enforcement procedures and policies allow for disproportionate minority contact through decision points of stopping, detaining, arresting, and booking individuals. Police not only have more initial contact with minorities, but minorities are also more likely to proceed through all police decision points. One reason for these disparities is minorities are more likely to have other risk factors that contribute to law enforcement perceiving situations involving minorities as more serious. A higher level of concern and fear permits officers to use more discretion, which increases minority arrests and bookings.

Law enforcement involvement has changed throughout history in response to community structures and resident demands. Policies such as community policing, problem-oriented policing, zero tolerance policing, and hot-spot policing have positioned police directly into communities. Law enforcement has become more concentrated in minority areas due to residential patterns of poorer areas containing more minority groups and criminogenic concerns. Thus, police have more contact with minority citizens because officers are closer to residents and focus on removing civil disobediences and crimes. These foci contribute to police

placing more minorities into the system because of differential involvement or differential treatment.

Court Systems and Disproportionate Confinement

Arrest statistics do not fully explain confinement statistics disparities. Disparities often worsen as minorities penetrate deeper into the system, especially when risk factors (Figure 1) are present. Prosecutorial decisions and judicial sentencing decisions are two court processes that aid in the explanation of disproportional minority contact and confinement. Prosecutorial decisions include charging (whether to charge and for what offense) and plea negotiations. Overall, adult and juvenile minorities are indicted with more-serious offenses, but nonminorities receive better plea negotiations resulting in adjudications of less-serious offenses. This has been explained by bias in the system, ineffective assistance of public defenders, and a belief that minorities lack social capital. These and other factors make minorities appear as unprivileged candidates for less-serious charges and the corresponding nonincarceration sentencing options.

A second court system decision point is judicial sentencing decisions. In both adult and juvenile courts, judges are more apt to sentence minorities to incarceration and to longer, harsher sentences. This occurs for legal and extralegal reasons. Legal reasons include seriousness of the offense, prior criminal record, requirements of mandatory minimums, and use of sentencing guidelines. Extralegal reasons include offender demographics, risk factors, and lower social capital that make minorities unable to secure nonincarceration or shorter sentences. Consequently, minorities are disproportionately confined in detention centers, jails, and prisons due to the cumulative effect of discretionary decisions.

A third decision point specific to juveniles is the decision to waive or transfer juveniles into adult court. This decision can be made by prosecutors, judges, or legislation, and determined by various factors including age of offender, seriousness of offense, weapon involvement in the offense, and prior criminal history. The previous discussions provide reasoning to why more minorities are waived into adult court, including presence of risk factors and violent arrest rates.

Case in Point: The War on Drugs

The War on Drugs in the United States has a history of over 100 years. Starting in the late 1800s and early 1900s, heroin and other opiates were banned to hinder Chinese immigration. To control Mexican immigration, marijuana became illegal in the 1930s, and then in the 1980s, crack cocaine received stiffer penalties than powder cocaine as a result of a "crack epidemic" in minority communities. This brief history exemplifies that drug laws were produced to target minorities and have continued to impact minority contact and confinement. According to the Bureau of Justice Statistics in 2006, Blacks were 35% of all drug abuse arrests, and in 2004, Blacks and Hispanics represented 29% and 21%, respectively, of state prison inmates incarcerated for drug offenses.

Two hypothetical scenarios highlight how process decision points create a cumulative effect to enhance disproportionate minority contact and confinement.

Criminal Justice System	**Socioeconomic Conditions**
Racial/ethnic bias in use of discretion	Low-income jobs
Insufficient diversion options	Few job opportunities
System "labeling"	Urban density/high crime rates
Poor community integration	Few community support services
Inability to afford justice	Inadequate health/welfare services
Educational System	**Family Unit**
Inadequate early childhood education	Single-parent households
Inadequate dropout prevention	Limited parental supervision
Inadequate overall education quality	Unmarried/single adult status
Lack of cultural education/role models	Economic stress/deprivation

Figure 1 Risk Factors That Contribute to Disproportionate Minority Representation in the Criminal Justice System

Source: Adapted in part from Devine, Coolbaugh, and Jenkins (1998).

Scenario 1: Tyrone Johnson is a young Black male who lives in an underclass neighborhood in Urban City, United States. He does not have a high school diploma and is unemployed, as legitimate opportunities are hard to locate. He moves around between family and friends. Tyrone uses marijuana recreationally and occasionally sells in order to help provide for his family. Due to the neighborhood, police concentration is high and Tyrone is known by police because of past convictions, including possession of marijuana.

Tyrone was involved with a drug bust and although he was not selling, the police arrested and booked him. He was charged with possession of marijuana with intent to deliver. He was unable to afford private representation and his public defender, although a good attorney, did not have time to treat clients individually. The public defendant and prosecutor failed to negotiate a plea acceptable to Tyrone. During this whole process, he had been in custody because he did not have the resources to post bail. Tyrone went to trial in a system that often does not tolerate drug trials because they are perceived as a waste of resources. Tyrone was found guilty. The sentencing judge—constrained by mandatory minimum sentences and other sentencing guidelines and by Tyrone's criminal history and lack of education, employment, and stable living environment—sentenced him to an 18-month prison term with no chance of parole or other community release alternatives.

Scenario 2: Carl Martin is a young White male who lives in a middle-class contemporary neighborhood in Suburban City, United States. He is currently enrolled in college and holds a part-time job at a coffee shop in his neighborhood. He lives with his parents and siblings to save money for his education. Carl uses marijuana recreationally, especially at college parties, but he has no criminal background. Police in his area use a community-oriented social work approach to justice as opposed to crime fighting.

The police busted a party he was attending and found marijuana in his pockets while questioning him. The police decided not to arrest or book Carl and instead wrote a citation for underage drinking. Carl's parents hired an attorney for the minor infraction, as they were concerned what it would do to his record and employability. The defense attorney was able to negotiate with the city attorney to hold the case open for 1 year with the stipulation that if Carl received no more infractions, the case would be dismissed.

Approaches to Address Minority Overrepresentation

Approaches to address disproportionate minority contact and confinement can be divided into direct services, training and education, and system change; each is discussed separately in this section.

Direct Services

Direct services are typically strategies that aid at-risk youth in order to prevent criminal justice involvement by building prosocial tendencies and developing skills to maintain healthy family and peer relationships. These programs can also include diversion to at-risk youth or those in the system for minor offenses (e.g., truancy), alternatives to secure confinement or incarceration, and advocacy to help individuals navigate through systemic processes. Examples of each are as follows:

- *Prevention/Intervention:* Head Start programs, academic achievement programs, vocation/job skills training, family therapy
- *Diversion:* restitution, community service, alcohol and other drug abuse programs, mental health services, pretrial release programs
- *Alternatives to Secure Detention/Incarceration:* foster homes, boot camp, electronic monitoring, house arrest, probation
- *Advocacy:* Office of Juvenile Justice and Delinquency Prevention, various state and local programs such as those that aid in language interpretation, family advocate programs, and lawyer assistance programs

Training and Education

Training approaches center on agency personnel to reduce and control the use of discretion at all decision points. This is usually accomplished through cultural responsibility training where employees learn norm, belief, and value distinctions of different ethnicities to improve cultural sensitivity.

Education includes the learning process of employees including new hires and before and during procedural changes. It is imperative that employees are not only properly trained but that training methods are evaluated and retraining is provided as necessary. Education also incorporates the vast resources made available through research initiatives such as those of the Office of Juvenile Justice and Delinquency Prevention and the National Criminal Justice Research Service.

System Change

System change comprises those policies, procedures, and processes that should be altered to aid minorities in the criminal justice system to reduce levels of minority overrepresentation. Changes are not a matter of leniency but adoption of appropriate means to avoid disadvantaging minorities involved with the criminal justice system. Examples of how the system has attempted to lower disparities in recent history include the following:

- *Law enforcement:* community policing, problem-oriented policing, removal of quotas in citations and arrest rates, formal policies against discriminatory practices of officers
- *Juvenile court system:* Juvenile Justice and Delinquency Prevention Acts of 1974 and 1992, which require states to address disproportionate contact and confinement
- *Adult court system:* determinate sentencing, sentencing guidelines, retraction of mandatory minimums, retraction of crack cocaine and powder cocaine laws
- *Corrections:* community corrections, restorative justice programs, "broken windows" probation

These approaches and others still require research to determine not only the causes of disproportionate minority contact and confinement but also what works to reduce them. For system change to occur it is necessary to address both differential treatment and differential involvement by incorporation of community and social-justice welfare agencies in the process, just as other institutions must be corrected to repair the criminal justice system.

Jennifer L. Huck

See also Crime Statistics and Reporting; Discrimination–Disparity Continuum; Disproportionate Arrests; Disproportionate Incarceration; Mandatory Minimums

Further Readings

Austin, R. L., & Allen, M. D. (2000). Racial disparity in arrest rates as an explanation of racial disparity in commitment to Pennsylvania's prisons. *Journal of Research in Crime and Delinquency*, *37*(2), 200–220.

Blumstein, A. (1982). On the racial disproportionality of the U.S. states' prison populations. *Journal of Criminal Law and Criminology*, *73*(3), 1259–1281.

Devine, P., Coolbaugh, K., & Jenkins, S. (1998, December). Disproportionate minority confinement: Lessons learned from five states. *OJJDP Juvenile Justice Bulletin* (Report No. NCJ 173420). Retrieved from National Criminal Justice Reference Service: http://www.ncjrs.gov/94612.pdf

Provine, D. M. (1998). Too many Black men: The sentencing judge's dilemma. *Law & Social Inquiry*, *23*(4), 823–856.

Short, J., & Sharp, C. (2005). *Disproportionate minority contact in the juvenile justice system*. Washington, DC: Child Welfare League of America.

Ulmer, J. T., Kurlychek, M. C., & Kramer, J. H. (2007). Prosecutorial discretion and the imposition of mandatory minimum sentences. *Journal of Research in Crime and Delinquency*, *44*(4), 427–458.

DNA Profiling

The advent of DNA profiling has significantly enhanced the criminal investigative process. The use of DNA to convict the guilty and acquit the innocent has been promulgated by the media, and the value of DNA profiling is further highlighted when used to address miscarriages of justice. However, not so well publicized is the potential for DNA profiling to exacerbate existing racial bias in the American criminal justice system and subject ethnic minorities to disproportionate surveillance by law enforcement agencies. This entry provides a brief overview of the operation of DNA databases and draws attention to some of the disparate effects that DNA profiling may have on ethnic minorities.

The Development of DNA Databases

The United Kingdom pioneered the use of DNA as an investigative tool when it introduced its National DNA Database in 1995. Shortly thereafter in 1998, under the authority of the DNA Identification Act of 1994, the United States also introduced a DNA database, the Combined DNA Index System, which combines the National DNA Index System with local and state databases. The aim of such databases is to identify suspects by conducting electronic searches in an attempt to match DNA profiles of samples taken from crime scenes with DNA profiles of individuals stored on the database. As of May 2007, DNA had been used in 50,343 criminal investigations in the United States, and with at least 4,582,516 convicted offender profiles currently on record, reliance on the database will only increase.

Racial Issues

Those concerned about the impact of DNA profiling on minorities note that its increasing use takes place in the context of fractured relationships between law enforcement and ethnic minority groups. Troy Duster has hypothesized that given the historical police corruption, prejudice, and sometimes blatant racism that African Americans have suffered at the hands of the criminal justice system, minority groups may be more inclined to view DNA profiling and databases with anxiety and distrust. In 2005 the American Civil Liberties Union wrote a letter to the Senate Judiciary Committee, warning that the willingness of minority communities to cooperate with criminal investigations would be hindered by the passing of the Violence Against Women Act of 2005. The passage of the Violence Against Women Act, which included the DNA Fingerprint Act of 2005, widened the categories of individuals from whom DNA samples can be taken. Anyone arrested by the federal government or any foreign citizen detained by federal agencies will now have their profile uploaded onto the database. This includes individuals detained for immigration violations, many of whom are Hispanic. This will significantly increase the number of ethnic minority profiles, which will be added to the database on a yearly basis. Critics argue that DNA legislation continues to expand without consideration of its potential discriminatory effects.

At present, at least six states have the ability to take and maintain DNA samples in the database from individuals who are merely arrested for certain offenses. Given that non-Whites have a higher probability of being arrested than Whites, more widespread use of DNA sampling could criminalize a large percentage of minorities who have not yet been and may never be charged with, or convicted of, the offense for which they were arrested.

Another point of contention is the ability to conduct "familial searches." These searches create the potential for surveillance of family members similar to that of an individual who has his or her profile on the database. In other words, because close relatives share similar DNA, individuals who are related to someone on the database but may never have come into contact with the police nevertheless may become the subject of "genetic monitoring" each time a search is done on the database. Thus, as David Lazer and Michelle Meyer have pointed out, given the proportion of African Americans who are arrested, charged, or convicted each year, it is reasonable to surmise that many, if not most, African Americans would at some point in the near future be included on the database, whether directly or indirectly. Additional factors that may add to racial inequity arising from DNA profiling include DNA dragnets, the corrupt planting of DNA evidence and research into the correlation of genetic racial markers and criminality.

At 32%, the U.K. database already holds a disproportionate number of profiles from its Black male population. Given the rate of widening legislation, it is plausible that African Americans and Hispanics will become overrepresented on the Combined DNA Index System. One solution to eradicating any potential bias is by including the DNA profile of every citizen on the database. However, it has been argued that this would not resolve racial bias and would indisputably raise serious civil liberty issues for everyone, not just ethnic minorities.

Research Directions

In the United Kingdom, the Human Genetics Commission, in partnership with other organizations, will be conducting a "citizen's inquiry" on the use of genetic information, including DNA, in the prevention, investigation, and resolution of crime. The inquiry will focus particularly on obtaining the views of the general public on social and ethical concerns arising from the existing and potential use of DNA in the criminal justice system. There is a desperate need for such an inquiry in the United States, particularly with the growing number of categories of individuals whose profiles are retained. Any formal public discussion in the United States should examine the nexus between race and the taking of DNA samples, the use of DNA databases, and the very difficult, if not virtually impossible, task of having profiles removed from the database. Additionally, research should be conducted on how race and the use of DNA evidence in court correlate with acquittals, convictions, retrials, and exonerations.

The unfavorable aspects of DNA databases, which may disproportionately affect minorities, must be publicly and adequately discussed and solutions sought to limit injustice. Without such debate, any further expansion of police powers in relation to the forensic use of DNA will only undermine confidence in what is otherwise a very powerful and useful tool in the criminal justice armory.

Julia E. Selman-Ayetey

See also Criminalblackman; Disproportionate Arrests; Disproportionate Incarceration; Profiling, Ethnic: Use by Police and Homeland Security; Wrongful Convictions

Further Readings

Byravan, S. (2006). DNA typing: A technology of fear. *Development*, *49*(4), 28–32.

Duster, T. (2006). Explaining differential trust of DNA forensic technology: Grounded assessment or inexplicable paranoia? *Journal of Law, Medicine and Ethics*, *34*(2), 293–300.

Gosline, A. (2005, April 8). Will DNA profiling fuel prejudice? *New Scientist*, *186*(2494), 12.

Lazer, D., & Meyer, M. N. (2004). DNA and the criminal justice system: Consensus and debate. In D. Lazer (Ed.), *DNA and the criminal justice system: The technology of justice* (pp. 877–949). Cambridge: MIT Press.

Rushlow, J. (2007, May). *Rapid DNA database expansion and disparate minority impact*. Retrieved from Council for Responsible Genetics: http://www.gene-watch.org/DNADatabases/RushlowPaper.html

Simoncelli, T. (2006). Dangerous excursions: The case against expanding forensic DNA databases to innocent persons. *Journal of Law, Medicine & Ethics*, *34*(2), 390–397.

Domestic Violence

Countless numbers of people have been affected by domestic violence at the hands of spouses, intimate partners, and boyfriends or girlfriends. This violence causes physical and emotional harm, costs billions of dollars in medical care and lost wages, and sets the stage for future domestic violence. People of all races are affected by domestic violence, making it a salient public issue. This entry defines domestic violence, discusses factors contributing to domestic violence, examines the characteristics of victims and perpetrators of domestic violence, and considers racial differences in the experience of domestic violence.

Domestic violence can be defined as behaviors exhibited by one person, called a batterer or an abuser, which are used to control or manipulate a spouse, partner, boyfriend, or girlfriend. These behaviors can be physical (hitting, kicking, choking, etc.) or they can be mental, psychological, and emotional (name-calling, put-downs, threats, stalking, etc.). Although both men and women can be batterers and victims, most frequently females are the victims of domestic violence and males are the batterers.

In most relationships in which domestic violence occurs, the batterer is not generally violent early in the relationship. It tends to take time for physical violence to occur, and when it does, victims are often shocked and frightened. Emotional and psychological abuse frequently occurs before physical violence and may manifest themselves in

the form of jealousy and controlling behavior. This begins the "cycle of violence," which describes what happens when domestic violence occurs within a relationship.

The cycle of violence begins with a period of time during which tension builds between the people involved. There may be psychological or emotional abuse during this period. The next part of the cycle is the act of violence. Sometimes the violence will continue to be psychological or emotional during this part of the cycle, while escalating in severity. The final part of the cycle is commonly referred to as the honeymoon phase. This phase is characterized by apologies from the batterer for his or her behavior and promises to change. During this phase, life is a "honeymoon," and victims of domestic violence frequently feel as if the batterer has truly changed. Victims often blame themselves for the behavior of the batterers and feel if they (the victims) change, then the batterer will change as well. However, the cycle begins again, and the behaviors of the violent person may escalate over time, increasing in frequency, severity, or both. All of these behaviors are designed to control the victim.

Victims of domestic violence do not leave their battering partner for a variety of reasons. Batterers frequently threaten to harm the victim, to harm their children, or to take their children away. Victims may stay with batterers due to the inability to support themselves and their children. Victims of domestic violence also fear being rejected by family members and by society. In American society there is a stigma that surrounds not only domestic violence but also failed relationships. Victims who are married may not want the stigma of being divorced, and some victims feel that children should be raised in a two-parent household no matter what the circumstance.

There are many risk factors for domestic violence. Witnessing domestic violence in the home increases the risk that children will be victims or batterers as adults. Belief in gender roles and stereotypes, such as the belief that women are subordinate to men and are considered property, is a characteristic of many male batterers. Poverty, unemployment, and other life stresses are considered risk factors for being victims and perpetrators of domestic violence. Drug and alcohol use and abuse are also associated with a higher risk for domestic violence.

People who are victims of domestic violence can seek assistance from many sources. They can call the police, contact a crisis hotline, or seek emergency shelter at specialized organizations. Many people in violent relationships do not seek help out of fear of retaliation, fear of what will happen when they leave, financial difficulties, and because of worrying about what people will think. Leaving a violent relationship is difficult to do, however, and most people experiencing domestic violence will stay in the relationship. There is also assistance to batterers, who may undergo counseling or attend a batterer's intervention program.

There is some indication that there may be racial differences regarding domestic violence; however, the evidence remains mixed. For example, some information suggests that African Americans experience domestic violence at higher rates than Whites, while other information suggests that African Americans and Whites experience domestic violence at similar rates. There is evidence that rural minorities experience domestic violence very differently from their White counterparts, having limited access to services that fit their needs. The severity of violence may also vary by race, with African American women experiencing more severe violence than women of other races. Finally, there is evidence suggesting that socioeconomic status may impact the prevalence of domestic violence, with poorer minority women at the highest risk for victimization; this suggests that structural and social factors contribute to domestic violence.

Given the mixed evidence related to race and domestic violence, this topic represents an area in need of additional research. Additional research could provide insights into the experiences of Asian Americans and Native Americans.

Wendy Perkins

See also Domestic Violence, African Americans; Domestic Violence, Latina/o/s; Domestic Violence, Native Americans; Victimization, African American; Victimization, Asian American; Victimization, Latina/o; Victimization, Native American; Victimization, White; Violence Against Women

Further Readings

Dutton, D. G. (1999). *The domestic assault of women: Psychological and criminal justice perspectives* (4th ed.). Vancouver: University of British Columbia Press.

Elias, R. (1986). *The politics of victimization: Victims, victimology, human rights*. New York: Oxford University Press.
Frias, S. M., & Angel, R. J. (2005). The risk of partner violence among low-income Hispanic subgroups. *Journal of Marriage and Family*, *67*, 552–564.
Hampton, R., Oliver, W., & Magarian, L. (2003). Domestic violence in the African-American community. *Violence Against Women*, *9*, 553–557.
Schechter, S. (1982). *Women and male violence: The visions and struggles of the battered women's movement*. Boston: South End Press.
Tjaden, P., & Thoennes, N. (2000). *Full report of the prevalence, incidence, and consequences of violence against women*. Washington, DC: U.S. Department of Justice.

Domestic Violence, African Americans

Numerous explorations have revealed the complexity and dynamics of intimate partner violence within African American communities. This entry includes a more critical examination that borrows from well-established theoretical paradigms, including structural and cultural explanations, and integrates a rapidly emerging critical race perspective. The concept of domestic violence is broader than that of intimate partner violence and captures a greater range of victimization experiences; however, for purposes of this entry, the terms *domestic violence* and *intimate partner violence* are used interchangeably to refer to acts of violence that occur between current and former spouses, boyfriends, or girlfriends. It also includes violence between persons who have a current or former marital, dating, or cohabitating relationship. The entry first compares offending, victimization, arrest, and homicide rates for intimate partner violence among African American and White populations. It then examines ways in which critical race theory, Black feminist theory, and critical race feminist theory offer alternatives to structural and cultural explanations of intimate partner violence. Using these perspectives, the entry explores ways in which the convergence of racism with other social forces, including cultural deviance and structural inequality, may exacerbate the plight of Black victims and offenders within justice systems.

Offending and Victimization Rates

More than 30 years ago, the first National Family Violence Survey found Black husbands had higher rates of overall and severe violence toward their wives than did White husbands. Blacks' rate of severe violence was 113 per 1,000, whereas in White families the rate was 30 per 1,000. The second National Family Violence Survey, conducted 5 years later, revealed similar disparities in the prevalence of intimate partner violence. More recently, African American women were 1.23 times as likely to experience minor violence and more than 2 times as likely to experience severe violence as White women.

Beyond experiencing similar levels of violent victimization in all other age categories as compared to White women, Black women also experienced slightly more intimate partner violence. As for racial/ethnic comparisons, between 1993 and 1998 African Americans were victimized by intimate partners at significantly higher rates than persons of any other race/ethnicity. According to a 2002 study, the number one killer of African American women ages 15 to 34 is homicide at the hands of a current or former intimate partner. African American women experienced intimate partner violence at a rate 35% higher than that of White women and about 22 times the rate of other women. Likewise, African American men experienced intimate partner violence at a rate about 62% higher than White men and about 22 times the rate of men of other races.

Although intimate partner violence among African Americans is complex, a major premise of this entry is that it is a partial reflection of racism within American society. The convergence of racism with other social forces, including cultural deviance and structural inequality, tends to exacerbate the plight of both Black victims and Black offenders within justice systems.

Intimate Partner Violence and Arrest Rates

As of this writing, arrest rates for Blacks were disproportionately higher (approximately 2 to 3 times) than the national average. They represented 23% of all spouses arrested for partner abuse and 35% of all boyfriend/girlfriend arrestees. This translates into about 300,000 arrests each year for

allegations of intimate partner violence. While African American men represented 6% of the total population, they represented 44% of all male inmates in state and federal prisons and jails. This overrepresentation is a partial reflection of state laws that mandate arrest for domestic abuse; currently, 22 states mandate arrest. Another eight states encourage arrest in response to domestic violence—even when the abuse is characterized as either minor or mutual. The continued criminalization of domestic violence has led to mass incarceration of men while decimating marginalized communities. Arguably, these laws have a disparate impact on African Americans.

Homicide and Intimate Partner Violence

The Federal Bureau of Investigation's annual *Supplemental Homicide Reports* reveal a disproportionate number of African American homicide victims. From 1976 to 2002, African Americans did not constitute more than 15% of the population, yet they comprised more than 46% of all homicide victims. Important correlates of Black homicide rates include high percentages of Black households headed by females and high levels of divorce. Studies find that various forms of social structural oppression, including institutional racism, stereotypical images, and sexism, impact the quality of life for battered Black women, erecting barriers that prevent them from leaving abusive relationships. At times, Black female victims of intimate partner violence are distrustful of the concern and ability of helping professions deliver adequate and culturally competent services. Arguably, if others were subjected to the same degree of racism, social pressures, and structural disadvantages faced by minority populations, they, too, would exhibit high rates of homicide.

Explanations of Domestic Violence and Intimate Partner Violence

Scholars across disciplines offer competing explanations of intimate partner violence. Traditional explanations fall into two categories: *structural explanations* and *cultural explanations*. Structural explanations suggest social pressures disproportionately increase levels of frustration and aggression. In contrast, cultural explanations suggest that the historical experiences of some, especially African Americans, promote attitudes that value and condone violence. Some African Americans believe that taking matters into their own hands (i.e., using violence) is an appropriate way to handle conflict. These explanations, however, are not exhaustive and there is ample room for other perspectives, including the burgeoning influence of *critical race theory*. The next section provides empirical evidence for these perspectives.

Structural Explanations

Sociological theories emphasize the role of structural factors in explaining criminal activity. Within the context of race and intimate partner violence, scholars suggest that Blacks are disproportionately exposed to criminogenic structural conditions. For instance, they are more likely than Whites to be poor and unemployed, to grow up in single-parent homes, and to live in segregated, poor, crime-ridden neighborhoods. Racial disparities in median household income, wealth accumulation, poverty, and unemployment rates further characterize their economic conditions.

Theoretically, the economic underdevelopment of African American men has always been a source of anger and frustration. Beginning with the American slavery era, African American men have experienced intense anger, hatred, and frustrations that they often displaced toward wives and lovers. This condition, referred to as frustrated masculinity syndrome, describes how some African American men respond to perceived racism and other institutional barriers that block opportunities for equal access to the designated legitimate means of achieving manhood. When blocked from conventional avenues of achievement, their economic dependence on working wives, girlfriends, and others is predictable. Conceivably, their dependence affects their self-esteem and sense of manhood in a way that can be characterized as a form of subordinated masculinity.

Critical Race Explanations

Historically, the victimization of African American women, Latinas, Native American women, and other women of color was seen not as

a form of gender violence but as deeply rooted in issues of structural racism and poverty. Consider, for instance, the "universal risk" theory of domestic violence. Some regard it as a rhetorical paradigm resting on a false sense of unity that suggests violence can happen to anyone regardless of race/ethnicity and social status. This idea that *any woman* can be battered attempts to avoid individualizing the problem of domestic violence and to resist the stigmatization of race and class commonly associated with mainstream responses to social problems. When we view all women as equally vulnerable, race and class distinctions are ignored and economically marginalized women—especially women of color—are removed from the dominant view.

Critical race theory emphasizes the role of racism and classism in the construction of reality among people of color. Officially emerging as a theoretical genre in 1989, at least four aspects help to explain intimate partner violence within African American communities. The first aspect, *social construction*, holds that race and races are not real, per se, but products of social thought and relations. The second aspect, *essentialism and intersectionality*, conveys the notion that all oppressed people share something in common, but the forms of oppression vary considerably. A third aspect concerns *the rule of law*, as both critical race theory and feminist jurisprudence describe the rule of law as merely a mask for White male power relations. At times, it is virtually indistinguishable from politics. *First person narrative* is the fourth aspect. It enables persons of color to tell the story of their condition, while helping them realize the nature of oppression and subjugation. Each aspect is discussed further throughout the following sections.

Black Feminist Perspectives

Feminist scholarship places patriarchy at the center of any explanation for woman battering. In short, male dominance and control in the family and society as a whole perpetuates violence against women in the family. Dealing with historical oppression, negotiating intersectionalities, eradicating malignant images of Black women, and incorporating an activist perspective reflect the essential nature of Black feminism. Based on socially constructed perceptions of Black women, Black feminist criminology scrutinizes how stereotypical images of these women affect the ways in which others respond to them. Some might question whether we can examine African American women's encounters with domestic abuse using theory based on victimization experiences of White women. The anticipated negative response to this question fosters a recognition of interconnected identities—shaped by larger social forces—as paramount. An intersectional approach explores how inequalities put some societal members at risk of being regarded as deviant and how law and state institutions both challenge and reproduce these inequalities. Intersectionality recognizes that systems of power such as race, class, and gender do not act alone to shape our experiences but rather are multiplicative, inextricably linked, and simultaneously experienced. Ignoring distinctions in identity and experiences may perpetuate indifference toward Black women and their plight. Historically, Black women have found that their interests as Blacks have taken precedence over their interests as women. Of particular relevance to intimate partner violence, albeit on a more critical note, some Black feminist theorists suggest that White women feminists forgot that for the Black woman, issues of gender are always connected to race. Moreover, Black women cannot choose between their commitment to feminism and the struggle with their men for racial justice. This primacy of concern for racism over sexism may partially account for the fact that there was relatively little special interest in minority spouse abuse and domestic violence—even among minority researchers—prior to 1980.

Critical Race Feminist Perspective

Developed in the 1990s, critical race feminist theory follows the tradition of Black feminist theory, critical legal studies, and critical race theory. Critical race feminists, however, are more interested in how domestic and international legal and social policies (e.g., welfare, education, and immigration, among others) assist or oppress racial/ethnic women and their families. Racism, in its many manifestations, is often subtle, covert, and not easily discernible.

A noticeable similarity between critical race feminist theory and Black feminist theory is that

both consider women of color as individuals with multiple intersecting identities where one identity does not eclipse another. Critical race theory is particularly useful to researchers examining how various institutions with which Black women (and men) must interact daily reinforce social inequalities. Both perspectives purport that researchers of race/ethnicity have unique competencies to speak about the negotiation of intersectionality.

Battered Women's Syndrome

American cultural institutions have consistently distorted and exaggerated the images of African American men and women. Some researchers suggest that stereotypical perceptions of Black women as aggressive, resilient, and immune to the effects of violence have prevented them from receiving equal and sympathetic treatment in the criminal justice system, particularly by police officers. In some cases, these same stereotypes of Black women have prevented them from successfully using certain legal defenses, including battered women's syndrome (BWS).

BWS is a pattern of psychological and behavioral symptoms found in women living in battering relationships. According to the American Psychological Association, it is not a mental illness but a form of posttraumatic stress disorder. Acknowledged in some courts since the 1970s, at least 31 states allow expert testimony to establish its admissibility in a given case. Among those Black women who kill their abusers, most do not invoke BWS as a defense, reflecting in part the dynamics of racism, classism, and sexism. For purposes of this entry, discussions of BWS advance on the premise that White women, by virtue of membership in the dominant race, are more valuable than Black women are. Therefore, it is unreasonable to expect these two groups of women to receive equal treatment within social and criminal justice systems. Most Black women do not have equal access to the types of support services received by Whites. These include equal access to shelters, responsive 911 operators, sympathetic police officers, and objective emergency room workers. Black women are perceived as familiar, adaptable, and somewhat comfortable within their subcultures, and there is a silent reluctance to validate them as bona fide victims of severe violence and equally worthy of rescue. Similar forces operate when these same women—unable to escape repeated cycles of violence—kill in (alleged) self-defense. The failure to validate Black women as victims calls into question whether they can prevail with a BWS defense.

Perception as Reality

Within the context of intimate partner violence, stereotypical representations of African American women as aggressive, domineering, castrating, independent, sexually promiscuous, and money hungry run rampant throughout the literature. These images tend to reduce socialized inhibitions against hitting a woman or treating a woman like a man. Even more, negative representations of African American women may lead some Black men to rationalize that violence is required to control women perceived as physically dangerous and capable of taking away their manhood. These perceptions, at times, could affect the criminal justice response to intimate violence. One study found police were more likely to comply with arrest policies when the victims were affluent, White, and lived in the suburbs. Policies were likely enforced, however, when the victims were African American, poor women living in urban areas.

Since the advent of mandatory and pro-arrest policies, women of color in the antiviolence movement have warned against investing too heavily in arrest, detention, and prosecution as responses to violence against women. In fact, there is evidence to suggest that poor women have not universally benefited from criminal justice interventions, as separation and arrest do not necessarily create safety for survivors of violence.

For myriad reasons, the criminal justice system has always been brutally oppressive toward communities of color. Unless one understands this and the historical impact of institutional racism, it may be difficult to understand why Black women are more reluctant than their White counterparts to report physical abuse to police or social service agencies. Moreover, Black women victims express reservations with trusting authorities in the criminal processing. This reality of this legacy creates both tension and dilemmas for poor women of color.

A critical race perspective underscores the magnitude of this dilemma when we consider, for example, the application of the principle *equality before the law* when sentencing domestic battery offenders. Whether conservative or liberal, many believe in color-blindness and neutral principles of constitutional law. Critical race theorists hold that color-blindness allows us to redress only extremely egregious racial harms, ones that everyone would notice and condemn. In the case of determinate sentencing, *equal treatment*—designed to reduce race- and class-based disparities—further exacerbates the problem. Its application to female offenders yields equality—but with a vengeance (i.e., a higher rate of incarceration and for longer periods of time than in the past).

Consequently, a number of scholars suggest that the racial factor has confounded the administration of justice, where, in some instances, neither defendants nor victims benefit from these arrangements. In a sense, abuse works in conjunction with the societal institution of the law via the courts, operating to help reduce the quality of life for both African American women and, in another context, African American men.

Research Directions

Despite the appeal of a critical race perspective, there are many important questions left unanswered. If race is a social construct, why focus on its primacy to the exclusion of other intersectional components of oppression? Moreover, as African Americans are culturally diverse, who decides whether mandatory arrest policies are in their best interest? How do certain institutions legally and economically interact with Black men and women in abusive relationships? Should a theoretical perspective consider the intersectionality of Black men as victims of intimate partner violence? Answers to these questions are not easy. A growing contingent of scholars and practitioners have serious reservations regarding the wisdom and propriety of mandatory and pro-arrest policies within African American communities. Some have even questioned whether we should implement (presumptive) prosecution practices in White communities and (nonpresumptive) prosecution practices within communities of color. Others argue that the efficacy of domestic violence policies should be measured by a material resource test and that assessment should be informed by the circumstances of those women who are in the greatest need. Given existing research that demonstrates that intimate partner violence victims of color prefer to handle their problems without official intervention, future examinations should center on whether victims of color would be more satisfied with a nonmandatory arrest policy.

Overall, this entry suggests that various perspectives are useful toward answering many of these questions. Perhaps, however, a critical race perspective is better suited than other perspectives, given its potential to trace the evolution of specific legislation or institutional policies related to intimate partner violence. Unlike structural and cultural explanations, its capacity to deconstruct cases of racial and sex discrimination, by focusing on its execution and enforcement, carries tremendous research potential.

Lee E. Ross

See also Black Feminist Criminology; Critical Race Theory; Domestic Violence; Domestic Violence, Latina/o/s; Domestic Violence, Native Americans

Further Readings

Ammons, L. L. (1995). Mules, madonnas, babies, bathwater, racial imagery, and stereotypes: The African-American woman and the battered woman syndrome. *Wisconsin Law Review*, *5*, 1003–1080.

Belknap, J., & Potter, H. (2005). The trials of measuring the "success" of domestic violence policies. *Criminology and Public Policy*, *4*, 559–567.

Burgess-Proctor, A. (2006). Intersections of race, class, gender, and crime. *Feminist Criminology*, *1*, 27–47.

Coker, D. (2005). Shifting power for battered women: Law, material resources, and poor women of color. In N. Sokolof & C. Pratt (Eds.), *Domestic violence at the margins: Readings on race, class, gender, and culture* (pp. 369–388). New Brunswick, NJ: Rutgers University Press.

Crenshaw, K. (1991). Demarginalizing the intersection of race and sex: A Black feminist critique of antidiscrimination doctrine, feminist theory, and antiracist politics. In D. Weisberg (Ed.), *Feminist legal theory* (pp. 383–411). Philadelphia: Temple University Press.

Delgado, R., & Stefancic, J. (2001). *Critical race theory: An introduction*. New York: New York University Press.

Hampton, R., Oliver, W., & Magarian, L. (2003). Domestic violence in the African-American community. *Violence Against Women*, *9*(5), 533–557.

Oliver, W. (2003). The structural cultural perspective: A theory of Black male violence. In D. F. Hawkins (Ed.), *Violent crimes: The nexus of race, ethnicity, and violence*. New York: Cambridge University Press.

Potter, H. (2006). An argument for Black feminist criminology. *Feminist Criminology*, *1*, 106–124.

Richie, B. (2005). A Black feminist reflection on the antiviolence movement. In N. Sokoloff & C. Pratt (Eds.), *Domestic violence at the margins: Readings on race, class, gender, and culture* (pp. 50–55). New Brunswick, NJ: Rutgers University Press.

Ross, L. E. (2007). Consequences of mandatory arrest policies: Questions, comments, and concerns. *Law Enforcement Executive Forum*, *7*(5), 73–85.

Ross, L. E. (2009). *The war against domestic violence*. Westport, CT: Greenwood Press.

Sherman, L. W., Schmidt, J. D., & Rogan, D. P. (1992). *Policing domestic violence: Experiments and dilemmas*. New York: The Free Press.

Sokolof, N. J., & Dupont, I. (2005). Domestic violence at the intersections of race, class, and gender. *Violence Against Women*, *11*(1), 38–64.

Domestic Violence, Latina/o/s

Domestic violence is an issue that affects many people not only in the United States but worldwide. Numerous victims and their children experience this situation in isolation and fear. The cycle of domestic violence includes emotional, physical, and sexual abuse in the context of an intimate relationship. Although this cycle may be similar in different populations, the way in which power and control is exerted may be different based on ethnic group membership and what it represents to be part of that specific culture. This entry focuses on how domestic violence is experienced in the Latina/o population and how concurrent oppressions contribute to perpetuating this problem.

Relationships where domestic violence is present may be similar in diverse populations. There is a relationship of abuse when one person has power and control over the other. It is in this realm that the victim and the perpetrator are identified. In the United States, policy and program development has progressed in terms of services for both victims and perpetrators. As a result there has been improvement in service provision, law enforcement, and prevention. However, these efforts have not been enough to eliminate domestic violence.

Prevalence

A major consideration that must be taken into account when looking at domestic violence in Latinos has to do with the number of victims and the actual reporting of intimate partner abuse. Official reports have shown that one out of every four U.S. women has been assaulted by an intimate partner. It is clear that domestic violence is an issue that affects victims regardless of their ethnicity or cultural background. However, minority ethnic groups who are in positions of social disadvantage face great challenges in dealing with social problems such as domestic violence. In respect to Latinos, prevalence of reported domestic abuseis similar to reports by non-Latinos, especially African Americans. However, it is imperative to keep in mind that with Latinos there may be a misrepresentation of the data when two factors are considered: (1) underreporting of abuse and (2) violence among undocumented immigrants.

Contributing Factors and Barriers

There are issues that are particular to the Latina/o population that challenge the elimination of the problem. These factors create barriers to the use of services and resources, such as the criminal system, law enforcement, batterer education programs, and shelters, which are more accessible to some populations rather than others. They include barriers such as poor education; socioeconomic disadvantage; limited knowledge of legal provisions; and lack of bilingual personnel at the service provision level, law enforcement, and in the justice system. Another major barrier has to do with lack of cultural understanding at all levels. Cultural norms such as *machismo*, *marianismo*, and a patriarchal societal structure may also reinforce the idea of gender inequality and dominance

in intimate relationships. Even though it would be inappropriate to state that domestic violence is socially acceptable in the Latina/o culture, it is important to emphasize that in a sociopolitical structure that has been tainted by colonization and patriarchy, the likelihood of resisting gender equality may be higher.

Other issues particular to the Latina/o population are the migration process and undocumented immigration. Even though a large portion of Latina/o immigrants live in the United States legally with visas, legal residency papers, and U.S. citizenship, many others are in the country without legal documentation. This represents a major challenge, especially for domestic violence victims. Research on undocumented battered women has found that requesting medical, legal, psychological, or other types of services is perceived as almost impossible because these women fear being referred to the Immigration and Naturalization Services (INS). In fact, threatening to turn the victim into the INS is a major victimization strategy used by perpetrators to perpetuate violence in the relationship. Victims often feel helpless because they believe that there is no escape from their situation. Even though many victims have been able to access services despite their immigration status, the fear of being deported is widespread.

Acculturation

Latinos who migrate to the United States go through particular processes of acculturation that could have repercussions for future generations. It has been found that Latinos who are more acculturated have higher rates of domestic violence. On the other hand, it has also been found that regardless of the acculturation process, many battered Latinos face numerous challenges in accessing services.

Oppression

Issues related to concurrent oppressions experienced by Latinos have to do with the aftermath of socioeconomic disadvantages, which include unemployment, underemployment, undereducation, poverty, and inability to cover expenses. Latinos who are socioeconomically disadvantaged also suffer the consequences when nonprofit organizations lack funds to provide legal aid, shelter, counseling, and advocacy.

Another factor is added when political disadvantage encourages stereotypes of this population. This may be linked to direct and indirect discrimination and institutional practices that interfere with help-seeking for those who experience domestic violence. Another element involves the internal struggle of what it represents to be a Latina/o, especially for battered women. In addition, fear of agencies and organizations, alienation from the justice system, and a perpetuation of the domestic violence cycle all contribute to making the situation worse.

The relationship between race and issues such as the perpetuation of domestic violence and the administration of justice is undeniable. Improvements to institutional policies, cultural competent practices, and social equality must be considered to move closer to effective intervention with Latina/o victims and batterers as well.

Elithet Silva-Martínez

See also Domestic Violence; Domestic Violence, African Americans; Domestic Violence, Native Americans

Further Readings

Adames, S. B., & Campbell, R. (2005, October). Immigrant Latinas' conceptualizations of intimate partner violence. *Violence Against Women*, *11*(10), 1341–1364.

Dutton, M., Orloff, L., & Aguilar-Hass, G. (2000, Summer). Characteristics of help-seeking behaviors, resources, and services needs of battered immigrant Latinas: Legal and policy implications. *Georgetown Journal on Poverty Law and Policy*, 7(2), 245–305.

Klevens, J. (2007). An overview of intimate partner violence among Latinos. *Violence Against Women*, *13*(2), 111–122.

Salcido, O., & Adelman, M. (2004). "He has me tied with the blessed and damned papers": Undocumented-immigrant battered women in Phoenix, Arizona. *Human Organization*, *63*(2), 162–172.

Tjaden, P., & Thoennes, N. (2000, July). *Extent, nature, and consequences of intimate partner violence: Findings from the National Violence Against Women Survey* (Report No. NCJ 181867). Retrieved from Office of Justice Programs: http://www.ojp.usdoj.gov/nij/pubs-sum/181867.htm

Domestic Violence, Native Americans

Domestic violence, defined as harmful verbal, physical, or sexual abuse committed by one intimate against another, is a widespread and unfortunate problem encountered across virtually every society. Historically, domestic violence was viewed as a private matter. However, in the 1970s the public, as well as policymakers and other professionals, began to define this matter as a serious social and legal health problem that needed to be addressed. Still, it was not until the 1980s and 1990s that criminal justice and community agencies began to respond to the matter through practices, programs, and legislation. Furthermore, it was not until this past decade that researchers began to explore different variables, such as race/ethnicity, in studying domestic violence. This entry examines domestic violence victimization of Native Americans/American Indians (NAAIs) as well as NAAI culture, risk factors, and consequences related to victimization. The NAAI population discussed in this entry includes those individuals who are Native American or American Indian and live in the United States, whether on reservations, nonreservation rural land, or nonreservation urban land.

Victimization Rates

Although both NAAI males and females are victims of domestic violence, females are victimized at much higher rates and suffer greater injury. NAAI women experience extremely high rates of domestic violence victimization. According to various self-reports, NAAI women consistently record the highest rates of violence against them by an intimate compared to other racial/ethnic groups in the United States. These women report a rate of violent victimization over twice that reported by African Americans and Whites. Moreover, NAAI women have reported higher levels of physical violence by a partner than any other group. Similarly, official records reveal that NAAI women have the highest rates of falling victim to intimate partner homicide than any other group. All these differences have been found significant.

Culture

Native cultures are similar to mainstream cultures in that they both prohibit violence among family members. Yet, native cultures are distinctive in the way they are subjected to and the way they handle the matter. Traditionally, violence against women in NAAI communities has been rare. Prior to colonization, many tribes practiced gender equality and held strong social and ethical norms against such violence, resulting in low rates of victimization. After colonization, this violence has become increasingly frequent and is now recognized as one of the largest ills facing NAAI communities.

As a result of this historical trauma, the policing of domestic violence among NAAIs has become quite convoluted. An incident of domestic violence was typically handled by members in the same community. Often times, males in the victim's family would mediate until the offender had changed his ways. In extreme cases, elected tribal officials handled the matter. Law enforcement typically did not get involved. This reflects the use of informal sanctions in dealing with the crime. However, the family's ability to intervene has decreased due to colonization and the involvement by the U.S. government. Additionally, the lack of teaching and education of native culture caused by forcing children to attend boarding schools has contributed to the failure of the family to acknowledge and address the problem. It has also disrupted family structure. Consequently, domestic violence, among other related forms of family violence, has increased among NAAI communities.

Risk Factors

Although there have been few studies on domestic violence of NAAI women when compared to other groups, research has indicated that there are risk factors that make these women vulnerable to domestic violence. Among these include institutional prejudice, in the form of racism and sexism, and oppressive practices that resulted from colonization, such as the removal of Indian people from ancestral lands and their subsequent treatment, which can foster negative feelings and behavior. In addition, the introduction of alcohol and other

substances into the NAAI community has largely been associated with the rise in domestic violence, as their use has long been noted to relate to violent behavior.

Other correlates of domestic violence among NAAIs include the following:

- Gender
- Age
- Income
- Unemployment
- Previous victimization
- Lack of education
- Pregnancy at an early age
- Low self-esteem

Young females living with an intimate partner who is the main or sole provider tend to be at high risk of experiencing domestic violence. These women may rely on their partner for financial or economic support. Previous victimization also has been linked to future victimization. Additionally, research has found that women with low self-esteem and women with poor education experience high rates of violence.

Consequences

Domestic violence has been associated with many negative consequences. These include, but are not limited to, poor health, illness, anxiety, depression, posttraumatic stress disorder, mental health problems, and even suicide/death. In addition, domestic violence has been found to be interrelated with the acquisition of HIV/AIDS. In a larger context, domestic violence has been linked to child abuse, elder abuse, and sibling violence. Thus, it perpetuates a cycle of violence.

Resources for NAAI Women

NAAI women represent a disproportionate number of those experiencing domestic violence and its related consequences. NAAI women consistently report experiencing higher rates of domestic violence than other racial/ethnic groups and thus warrant further attention and investigation. There has been limited access to shelters, counseling, and other services for these women, especially those living on reservation and nonreservation rural land. NAAI women are in need of referrals to services in their areas as well as appropriately tailored interventions that take culture and risk factors into account.

Alison Marganski

See also Domestic Violence; Domestic Violence, African Americans; Domestic Violence, Latina/o/s; Violence Against Women

Further Readings

Oetzel, J., & Duran, B. (2004). Intimate partner violence in American Indian and/or Alaska Native communities: A social ecological framework of determinants and interventions. *American Indian & Alaska Native Mental Health Research: Journal of the National Center*, *11*(3), 49–68.

Vernon, I. S. (2002). Violence, HIV/AIDS, and Native American women in the twenty-first century. *American Indian Culture and Research Journal*, *26*(2), 115–133.

Yuan, N. P., Koss, M. P., Polacca, M., & Goldman, D. (2006). Risk factors for physical assault and rape among six Native American tribes. *Journal of Interpersonal Violence*, *21*(12), 1566–1590.

Draft Riots

See Race Riots

Dred Scott Case

In the annals of the history of the U.S. Supreme Court, there is one case that is consistently ranked as the worst decision ever made by the Court. This is the *Dred Scott* case, officially known as *Dred Scott v. Sandford* (1857). The decision was widely discussed in the 1858 debates for the U.S. Senate seat from Illinois between Senator Stephen A. Douglas, Democratic incumbent, and Abraham Lincoln, Republican congressman. The debates were complicated by the 1857 Supreme Court ruling that had every tavern in the country buzzing

with the words "Dred Scott." The Court ruled that Congress could not prohibit slavery in the territories (those areas west of the Mississippi River not yet states) and struck down the Missouri Compromise of 1820, even though the law had already been repealed by the Kansas-Nebraska Act of 1854, which Douglas had sponsored. As a result, the Court fueled the growing divisions between North and South over slavery, providing a significant factor for the outbreak of the War Between the States, or, as it is known in the South, the War of Northern Aggression, from 1861 to 1865. The decision also tarnished the prestige of the Court and the reputation of Chief Justice Roger B. Taney.

Background

Dred Scott was a Missouri slave who had accompanied his master, Dr. John Emerson, an army surgeon, to Illinois in 1834 and to Wisconsin Territory, present-day Minnesota, in 1836. Because both areas were free of slavery according to the Missouri Compromise, Dred Scott claimed to have been automatically freed by his presence there. Scott and Emerson returned to Missouri in 1838. In 1850, after Dr. Emerson's death, a court in St. Louis, Missouri, agreed with Scott's view, citing Missouri precedents dating from 1824, that Dred Scott had become free while living in nonslave jurisdictions and remained free, despite his return to Missouri. However, Scott's plea was lost on appeal in the Missouri Supreme Court. Reflecting the proslavery ideology of the South, the Missouri Supreme Court disavowed the old precedents in *Scott v. Emerson* (1852) and ruled that Dred Scott was not a citizen and could not sue for his freedom from Emerson's widow. After remarrying, the widow subsequently passed ownership of Dred Scott and his wife and two daughters through friends to her brother, John F. A. Sanford (incorrectly spelled in the case as Sandford), a native-born Southerner residing in New York.

By arranging the sale of the slave Dred Scott and his family to a New Yorker, Mr. Sanford, Dred Scott's friends hoped to argue the case in the federal courts on the grounds that it had become a case of a citizen of Missouri suing a citizen of New York. In 1854, Scott sued in the U.S. District Court in Missouri, arguing that as a "citizen" of Missouri, he was entitled to sue a citizen of another state in federal court, because Article III of the Constitution gave the federal courts jurisdiction over cases "between citizens of different states." The hope of Dred Scott and his supporters was to carry the case to the Supreme Court, where the entire question of slavery in the territories might be decided. Therefore, the essence of the case centered on the power of Congress to exclude slavery from the territories belonging to the nation. The Republican contention that Congress had always possessed this power, and exercised it in the Northwest Ordinance of 1787 and in the Missouri Compromise of 1820, was at issue. Southerners were confident that the Court would uphold Douglas's 1854 Kansas-Nebraska Act repeal of the Missouri Compromise restriction on slavery and deny the power of Congress to exclude slavery from the territories. (Both slave owners and abolitionists sent "settlers" into Kansas to intimidate the voters in such cases as the 1855 sacking of Lawrence by a posse of proslavery "Border Ruffians" and the immediate retaliation by abolitionist John Brown, whose group of seven men, including four sons and his son-in-law, shot to death one slave owner and hacked four others to death in the so-called Pottawatomie Massacre. Therefore, "Bleeding Kansas" became the catchphrase in the 1850s over the issue of popular sovereignty, whereby the residents of the given territory themselves would vote on slavery or "free soil.") Seven of the nine justices were Democrats, in the days when the Democratic Party had strong contingencies of proslavery advocates, five of whom were from the South. Moreover, there were indications that a majority of the Court was eager to remove the entire subject of slavery from Congress.

The Decision

In the subsequent 1857 Supreme Court decision, Chief Justice Taney, who had been appointed by President Andrew Jackson in 1836 and served until his death in 1864, ended all hope at that time for any kind of possible advancement by the Black race in the United States, slave, free, or presumed free, as was the case with Dred Scott. Speaking for the seven Democratic justices, Taney declared that

the lower federal court lacked jurisdiction, because, under the laws of Missouri, Scott was not a citizen. Taney, writing in vivid language that many Northerners, both Black and White, found offensive, declared that Blacks could never be citizens of the United States. The following is a verbatim citation from Taney's *Dred Scott* decision:

> The question is simply this: Can a negro, whose ancestors were imported into this country, and sold as slaves, become a member of the political community formed and brought into existence by the Constitution of the United States, and as such become entitled to all the rights, and privileges, and immunities, guaranteed by that instrument to the citizen? One of which rights is the privilege of suing in a court of the United States in the cases specified in the Constitution.
>
> The words "people of the United States" and "citizens" are synonymous terms, and mean the same thing. They both describe the political body who, according to our republican institutions, form the sovereignty, and who hold the power and conduct the Government through their representatives. . . . The question before us is, whether the class of persons described in the plea in abatement compose a portion of this people, and are constituent members of the sovereignty? We think they are not, and that they are not included, and were not intended to be included, under the word "citizen" in the Constitution, and can therefore claim none of the rights and privileges which that instrument provides for and secure to citizens of the United States. On the contrary, they were at the time [1787] considered as a subordinate and inferior class of beings, who had been subjugated by the dominant race, and, whether emancipated or not, yet remained subject to their authority, and had no rights or privileges but such as those who held the power and the Government might choose to grant them. . . .
>
> The question then arises, whether the provisions of the Constitution, in relation to the personal rights and privileges to which the citizen of a State should be entitled, embraced the Negro African race, at that time in this country, or who might afterwards be imported, who had then or should afterwards be made free in any State; and to put it in the power of a single State to make him a citizen of the United States, and endue him with the full rights of citizenship in every other State without their consent? Does the Constitution of the United States act upon him whenever he shall be made free under the laws of a State, and raised there to the rank of citizen, and immediately clothe him with all the privileges of a citizen in every other State, and in its own courts?
>
> The court thinks the affirmative of these propositions cannot be maintained. And if it cannot, the plaintiff in error could not be a citizen of the State of Missouri within the meaning of the Constitution of the United States, and, consequently, was not entitled to sue in its courts.

Furthermore, citing the Fifth Amendment, Taney said that no slaveholder could be deprived of his property without "due process" and that Scott, therefore, remained a slave.

Taney's message, like that conveyed by Douglas as chief sponsor of the Kansas-Nebraska Act, affirmed that the Missouri Compromise was null and void. He wrote:

> The act of Congress, upon which the plaintiff relies [to claim his freedom], declares that slavery and involuntary servitude, except as a punishment for crime, shall be forever prohibited in all that part of the territory ceded by France, under the name of Louisiana, which lies north of thirty-six degrees thirty minutes north latitude, and not included within the limits of Missouri. And the difficulty which meets us at the threshold of this part of the inquiry is, whether Congress was authorized to pass this law under any of the powers granted to it by the Constitution; for if the authority is not given by that instrument, it is the duty of this court to declare it void and inoperative, and incapable of conferring freedom upon any one of the States.

Reaction to the Decision

The *Dred Scott* decision set off a firestorm of indignation and protest, especially in the North. Abolitionist Horace Greeley, editor of the *New York Tribune*, called the *Dred Scott* decision "the closing in of an Arctic night in our history, abominable, false, detestable hypocrisy." Abraham Lincoln's Republican Party called it a "wicked and

false judgment," and Lincoln himself feared that the ruling could be construed to refer to Illinois as well as to Wisconsin as potential slave states.

Lincoln also saw that *Dred Scott* was in conflict with Douglas's own favored idea of popular sovereignty, the ability granted to residents of territories under the Kansas-Nebraska Act to vote on the right to admit slavery or to be "free soil." At a debate in Freeport, Illinois, Lincoln asked Douglas to explain how the people of a territory could exclude slavery if slaves like Scott were simultaneously permitted there. Douglas's response, both subtle and pragmatic in its cleverness, was the following: "Slavery cannot exist a day or an hour anywhere unless it is supported by local police regulations." This statement was true, but it did not help Dred Scott. The so-called Freeport Doctrine alienated Douglas from committed slave owners, but it won him reelection to the U.S. Senate from Illinois. Lincoln, now no longer a congressman, in turn, would have to wait until the election of 1860 to return to Washington as president. In another irony of the *Dred Scott* case, Scott's owner freed him shortly after the decision, but Dred Scott died 1 year later in St. Louis.

Dred Scott's case is a landmark in constitutional history as an example of the Supreme Court's attempt to impose a judicial solution on a political problem. Some Americans, in particular those who resided in the South or Northern Democrats who were apathetic to the horrors of slavery, lauded the decision as an important attempt to end the heated debate over the expansion of slavery into the territories. However, overall, in the North, people denounced the Court's decision and Chief Justice Taney. The Northern response quickly made the Republican Party the most powerful political institution in that part of the country. It set the stage for the election of Abraham Lincoln as the 16th president of the United States in 1860, the subsequent secession of the Southern states, led by South Carolina, and almost 5 years of bloody and devastating civil war.

Actions to Overturn *Dred Scott*

During the war, Congress and President Lincoln took steps to eradicate slavery and its evils. Many of their actions in 1862 and 1863 eviscerated the two main principles announced by Chief Justice Taney in *Dred Scott*: Congress could not prohibit slavery in the territories, and Blacks could not be citizens. Several years later, *Dred Scott* was formally overturned by the three Civil War amendments to the U.S. Constitution, ratified from 1865 to 1870.

In 1862, Congress passed a number of statutes directed against slavery. It offered financial compensation to states that agreed to abolish slavery gradually, abolished slavery in the District of Columbia, and prohibited slavery in the territories, thus rejecting a central principle of *Dred Scott*. Congress also passed legislation that freed slaves from all those who had committed treason against the United States or incited or engaged in any rebellion or insurrection against the United States. On January 1, 1863, Lincoln issued his Emancipation Proclamation, which freed the slaves in the states in rebellion.

In 1862, Attorney General Bates released a long opinion stating that neither color nor race could deny American Blacks the right of citizenship, denying a second central tenet of *Dred Scott*. He pointed out that "freemen of all colors" had voted in some of the states. The Constitution, noted Bates as he rejected *Dred Scott*, was "silent about *race* as it is about *color*." Bates concluded: "The free man of color, if born in the United States, is a citizen of the United States" (10 Op. Att'y Gen. 382 [1862]).

Following the War Between the States, Congress passed the Thirteenth Amendment, adopted in 1865, which abolished slavery in the United States as an institution. The Fourteenth Amendment, ratified in 1868, provided for the equal protection of Blacks and Whites before the law and specified in Section 1 that "all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside." Finally, the Fifteenth Amendment, which took effect in 1870, gave Blacks the right to vote. Under the express language of these amendments, Congress was empowered to enforce them "with appropriate legislation."

The *Dred Scott* ruling ruined the reputation of one of the longest-serving chief justices in American history, Roger B. Taney. It is a

landmark case, widely condemned in the North at the time. Scott's diligence and perseverance in claiming his freedom as a citizen of the United States and the State of Missouri played an important role in ending slavery. As a result of the Fourteenth Amendment, in particular, descendants of former slaves in the South and the North are today U.S. citizens and subject to court decisions and laws—above all, *Brown v. Board of Education of Topeka, Kansas* (1954), a unanimous ruling that called for the desegregation of the public schools and overruled the "separate but equal" doctrine enunciated in *Plessy v. Ferguson* (163 U.S. 537 [1896]), as well as the Civil Rights Act of 1964 and the Voting Rights Act of 1965—protecting their due process rights, equality, and privileges and immunities throughout the land.

Stephen E. Medvec

See also Slave Patrols; White Supremacists

Further Readings

Basler, R., et al. (Eds.). (1953–1955). *The collected works of Abraham Lincoln* (9 vols.). New Brunswick, NJ: Rutgers University Press.

Brown v. Board of Education of Topeka, Kansas, 347 U.S. 483 (1954).

Dred Scott v. Sandford, 60 U.S. (19 How.) 393 (1857).

Fisher, L. (2005). *Constitutional law* (6th ed.). Durham, NC: Carolina Academic Press.

Hall, K. L., Finkelman, P., & Ely, J. W., Jr. (2005). *American legal history: Cases and materials*. Oxford, UK: Oxford University Press.

Klarman, M. J. (2004). *From Jim Crow to civil rights: The Supreme Court and the struggle for racial equality*. Oxford, UK: Oxford University Press.

Miner, C. (2003). *Kansas, The history of the sunflower state, 1854–2000*. Lawrence: University of Kansas Press.

Paludan, P. (1994). *The presidency of Abraham Lincoln*. Lawrence: University of Kansas Press.

Plessy v. Ferguson, 163 U.S. 537 (1896).

Scott v. Emerson, 15 Mo. 576 (1852).

Wiecek, W. M. (1978). Slavery and abolition before the United States Supreme Court, 1820–1860. *Journal of American History*, *65*, 34.

Drug Cartels

Since the 1980s, much of the trafficking of drugs to the United States was, and is, attributed to the drug cartels of Colombia. Through the use of violence and established smuggling routes into the United States, Colombian cartels controlled much of the distribution of cocaine to America. The cartels' presence led to the evolvement of local gangs to sell and control the drugs, which in turn threatened communities and encouraged further drug use. This entry focuses on the nature of drug cartels and how the drug trade became institutionalized in poor communities predominated by racial and ethnic minorities (see Filippone, 1994; Tonry, 1994). Although the proportion of minorities directly involved with drug cartels is unknown, their involvement in drug dealing (indicated by arrests and convictions) indicates a substantial influence.

The Rise and Impact of Drug Cartels

Since the 1980s, Colombia has been responsible for 80% of the cocaine that annually enters the United States (Filippone, 1994). The geographic location of Colombia made it a perfect base of operation from which to monopolize the international drug trade. Coca, the plant from which cocaine is derived, is harvested mainly from Bolivia and Peru, which are in close geographic proximity to Colombia. Additionally, Colombia has ready sea and air access to the United States, which became established ways to smuggle drugs. During the 1980s, the Medellin cartel, based in the Colombian city of Medellin, was the best-known cartel, controlling at least 60% of the Columbian international drug trade. This cartel was controlled by Pablo Escobar, who further established the Medellin cartel as a violent, highly structured organization supplying cocaine to the U.S. drug market.

Other countries, such as Mexico and Jamaica, also produced drug cartels. Much like Colombia, Mexico and Jamaica serve as major transit points for marijuana and cocaine shipments entering the United States. Several primary Mexican cartels linked to increased drug trafficking include the

Gulf cartel, the Juarez cartel, and the Tijuana cartel. Although not typically called cartels, Jamaican drug-smuggling organizations compete with Colombian and Mexican cartels.

The Drug Enforcement Agency and Customs and Immigration Enforcement have reported a link between Jamaican drug organizations and criminal drug activity within the United States. As reported by several researchers (Jones, 2002; Maingot, 1989; McDonald, 1988; Stone, 1991), Jamaica is responsible for a substantial percentage of the marijuana imported into the United States. Jamaican drug organizations, known as posses, are believed to have been operating as early as the 1970s, distributing guns and marijuana into the United States. These posses began to deal in crack cocaine upon its onset in the mid-1980s. The influence of Jamaican posses is concentrated in the northeast United States around New York, New Jersey, and Philadelphia, and in Miami.

Initially, Jamaican posses used substantial violence when their drug-selling territory was challenged. Jamaican posses have more recently forged relationships with West Coast gangs and traditional organized crime, and they have strengthened ties with Colombian cartels to further aid in the distribution of drug flow into American markets. Once the drugs have entered the United States, cartels establish a distribution network to pass the drugs on to users. To do this, the cartels organize drug dealers. Although it is difficult to determine exact numbers of minorities utilized by cartels, specifically African Americans and Hispanics, it is logical to argue that cartels have exploited such minorities to distribute drugs (Hebert, 1997; Tonry, 1994).

One explanation posited by researchers regarding the high level of minority involvement in the drug trade is socioeconomic status (Tonry, 1994). With many young, minority juveniles experiencing economic hardships, it has been suggested that they see the drug trade as a way to ease their economic burden. The allure of making large sums of money makes minority juveniles particularly amenable to drug trafficking.

As cocaine shipments increased in the 1980s and more minorities were in place to distribute the drugs, turf war violence ensued among minority groups. Specifically, Florida experienced an influx of Cuban refugees during the early 1980s. This resulted in a war between Colombians and Cubans in Florida. Similar patterns of violence were also seen throughout different minority communities as subgroups attempted to gain control of drug markets.

Although cocaine remained popular, crack cocaine soon became the new drug epidemic, becoming more prominent and widespread beginning in 1985. Crack cocaine costs less and gives the user a faster high than powder cocaine. As a result of the price difference between the two drugs, powder cocaine became the drug of choice for more economically advantaged users, while crack became the drug of choice for economically disadvantaged minorities. Further increasing the negative influence on minorities, it was easier for policing efforts to address crack cocaine offenses than powder cocaine. Powder cocaine users are not typical targets for arrest in that they do not engage in their criminal activity in public. It is likely to occur in suburban or upper-class areas, and the dealers are likely to be involved with the same contacts. Unlike powder cocaine users, crack users and dealers often perform their illegal activity in areas that are more public. These types of crimes are typically committed in alleys and streets in poor minority areas that are easier for police to observe. Further, the dealers in disorganized areas have no choice but to sell to strangers, who could easily be undercover police. Juvenile and young minority adults were easy targets for the drug cartels because the minorities were economically depressed, and drug use and distribution provided them with the means to overcome their economic disadvantage. Because minorities are more likely to be involved with crack and crack is likely to be policed more efficiently than powder cocaine, minority arrest rates started to increase. Although there have been efforts of governmental agencies to stop the illegal drug trade on various fronts, Colombian and other cartels continue the drug flow into the United States. The increase in cocaine distribution and legislative changes that ensued have had long-lasting consequences on minorities in terms of sentencing disparities and overrepresentation within the prison system.

Jeffery T. Walker and Joseph B. McSherry

See also Anti–Drug Abuse Acts; Disproportionate Arrests; Disproportionate Incarceration; War on Drugs

Further Readings

Filippone, R. (1994). The Medellin cartel: Why we can't win the drug war. *Studies in Conflict and Terrorism*, *17*, 323–344.

Gay, B., & Marquart, J. (1993). Jamaican posses: A new form of organized crime. *Journal of Crime and Justice*, *16*(2), 139–170.

Hebert, C. G. (1997). Sentencing outcomes of Black, Hispanic, and White males convicted under federal sentencing guidelines. *Criminal Justice Review*, *22*(2), 133–156.

Jones, M. J. (2002). Policy paradox: Implications of U.S. drug control policy for Jamaica. *Annals of the American Academy of Political and Social Science*, *582*, 117–133.

Leigey, M., & Bachman, R. (2007). The influence of crack cocaine on the likelihood of incarceration for a violent offense: An examination of a prison sample. *Criminal Justice Policy Review*, *18*(4), 335–352.

Maingot, A. (1989, July). The drug menace to the Caribbean. *The World and I*, *7,* 128–135.

McDonald, S. B. (1988). *Dancing on a volcano: The Latin American drug trade*. New York: Praeger.

National Drug Intelligence Center. (2005, February). *National drug threat assessment, 2005 summary report*. Retrieved from http://www.justice.gov/ndic/pubs11/13846/marijuana.htm

Ousey, G., & Lee, M. (2004). Investigating the connections between race, illicit drug markets, and lethal violence, 1984–1997. *Journal of Research in Crime and Delinquency*, *41*(4), 352–383.

Stone, C. (1991). Hard drug use in a Black island society. *Caribbean Affairs*, *4*(2), 142–161.

Tonry, M. (1994). Racial politics, racial disparities, and the war on crime. *Crime and Delinquency*, *40*(4), 475–494.

U.S. Drug Enforcement Administration. (n.d.). *Marijuana*. Retrieved July 18, 2008, from http://www.usdoj.gov/dea/concern/marijuana.html

Drug Courts

In a drug court, a trial court judge is assigned a docket of cases involving offenders whose crimes are related to their dependency on alcohol or illegal drugs. There are two major types of drug courts: drug case management courts and drug treatment courts. *Case management courts* are those courts that consolidate all of the drug cases in one court system in order to more efficiently and consistently dispose of (i.e., adjudicate) those cases. This entry focuses on drug treatment courts and their operation. In addition, the entry examines issues concerning race and ethnicity, as they relate to drug courts.

As the term implies, *drug treatment courts* emphasize intensive supervision and treatment of offenders with drug or alcohol problems. Drug treatment courts in different jurisdictions address defendants with varying legal situations. Pre-plea programs are aimed at relatively minor offenders who wish to avoid pleading to a charge, going through trial, and being convicted. The prosecutor will drop the charges against defendants who successfully complete the drug court program. The defendant may have to admit his or her guilt even though no formal plea is entered. In post-plea programs, the defendants plead guilty to the crime of which they are accused and seek to avoid adjudication of guilt, incarceration, or both, by agreeing to participate in treatment programs under the court's supervision. In community transition programs, offenders have already served a part of their sentence in prison and seek early release and a return to the community.

Characteristics of Drug Treatment Courts

The first drug treatment court was established in Miami, Florida, in 1989 as a response to the increasing caseloads resulting from prosecutions for crack cocaine. The Miami court was created by Judge Herbert M. Klein, and his method of active judicial involvement with each client is a hallmark of the drug courts. It is this judicial involvement that is the distinguishing characteristic of drug treatment courts as well as other problem-solving or therapeutic courts. Clients in the early phase of the programs are required to attend weekly court sessions, where the judge will review their progress and distribute rewards and punishments as warranted.

As befits the emphasis on treatment, the relationship between the court professionals and the

defendants is nonadversarial, and the judge, prosecutor, defense counsel, treatment providers, and other practitioners assigned to work with the drug court are to function as a team to review cases and arrive at decisions regarding the disposition of defendants. Defendants are tested frequently for drugs and must participate in drug treatment programs and other programming relevant to their individual needs. Defendants who comply with the court's requirements are rewarded with advancement through the phases of the treatment in the courts, which usually implies greater freedom and fewer mandatory treatment or court sessions. Defendants who fail to comply, such as by relapsing or by missing treatment group sessions, may be punished by brief stays in jail or loss of advanced status. Defendants who commit new crimes, repeatedly relapse, or commit other serious infractions of program rules may be instantly terminated. Many courts hold graduation ceremonies for those who successfully complete the program, which may take at least 1 year and as much as 2 years.

Drug treatment courts are hailed by their advocates as an effective alternative to either incarceration without treatment or treatment without intensive supervision. Advocates refer to a drug court "movement" and note the rapid increase in the number of jurisdictions with drug courts as a positive development. Despite their popularity, drug treatment courts present serious concerns about their subversive effects on the adversary system of justice, the validity of claims of effectiveness, and their impact on racial and ethnic minority groups.

Issues of Jurisprudence and Ethics

Coerced Treatment

Drug treatment courts exist to facilitate the coerced treatment of alcoholics and drug addicts. This purpose is legitimated by the fact that defendants in drug courts have violated the law and are therefore doomed to some form of coercion—incarceration, treatment, home confinement, and so forth—as a result. Given their criminal liability, advocates of the drug court argue that it is better to coerce defendants into acquiescence in a course of treatment that works than it is to punish them by incarceration or other methods that have not proven effective.

Underlying this argument are two assumptions: (1) that the criminalization of drug possession and, for all practical purposes, of drug addiction and alcoholism is inevitable if not desirable, and (2) that the purpose of coercing defendants is to prevent future crimes rather than to punish past crimes. Both assumptions are controversial. The first assumption makes drug courts complicit in the perpetuation of a War on Drugs that is condemned by its opponents as a wasteful, racist, repressive failure. The second assumption opens the door to a brave new world in which the principle is in jeopardy that the state must be restricted to punishment based on the past criminal conduct of the offender.

The practitioners who work in drug courts see things much differently. For them, concerns about drug courts as the velvet glove on the iron fist of repression seem abstract. They are dealing with the immediate loss of freedom and autonomy that are the essence of addiction and alcoholism. They see the offenders in drug court not as defendants at the mercy of the state, but as sick persons at the mercy of a fatal disease. The drug court can serve as a bridge for clients from resistance to acceptance of their problem and willingness to collaborate in its treatment. Practitioners also see drug courts as a way of reducing reliance on incarceration.

This implies that the legitimacy of coerced treatment depends, in part, on the validity and reliability of the methods used to classify defendants as substance abusers. Given ethical limits on the use of coercion and the need to make the most effective use of limited resources, it makes little sense to impose treatment on defendants who do not need it and cannot benefit from it. This is especially important where drug court treatment involves a longer, more costly, and more intrusive intervention in the life of the defendant than would have occurred if the defendant were sentenced in an ordinary court.

Adversarial Justice

In a system of adversarial justice, the truth regarding the guilt of the defendant is arrived at in a contest in which the state is represented by a

prosecutor and the defendant by defense counsel. The judge serves as neutral referee who makes sure that the advocates for both parties follow elaborate rules of evidence and procedure. Drug treatment courts subvert the adversarial ideal in a number of ways. Instead of serving as neutral referee, the judge becomes the primary actor, involved in a therapeutic relationship with the defendant (the "client") and directing the course of treatment. The prosecutor and defender become members of the drug court team and, as team players, are expected to lay down their arms and join together with the judge to ascertain the best interests of the defendant, whatever his or her stated preferences might be.

Critics have noted that this model also departs from the ideal for a therapeutic relationship, one that is based on the voluntary decision of the client to collaborate with a therapist to achieve mutually agreed on goals. Drug courts are authoritarian by nature: The client's continued involvement with the drug court requires the client to comply with the requirements imposed by the court, or face termination from the program.

There are a number of specific ethical challenges posed by the tension between adversarial and therapeutic justice, but much of it boils down to the role of the drug court judge. Because the role of the judge is so enlarged in this setting, drug court judges must have a high level of competence, integrity, compassion, and knowledge. Neither therapeutic nor adversarial courts have satisfactorily addressed the issue of what to do with a bad judge.

The risk of departure from the adversarial ideal is linked to the issue of valid classification of defendants as substance abusers. Such departures may be justified if the goal is to save persons from a fatal, progressive disease of addiction, but the "doctors" should be sure of their diagnosis. One role that defense counsel can play is to promote the use of evidence-based practices in assessment of potential drug court participants, a stance that is also in the interests of the other members of the team.

Issues of Effectiveness

As one of the most studied innovations in criminal justice, drug courts have a strong basis for claiming to be effective. An authoritative study by the General Accounting Office found that the evidence supports the conclusion that drug courts produce a reduction in recidivism, but the evidence of an effect on the likelihood of relapse is mixed. The General Accounting Office found that the effects of the specific components of drug courts, such as the role of the judge or the effectiveness of drug treatment strategies, have not been adequately investigated. A complicating factor in assessing the effectiveness of drug courts is the wide variation in rates of program completion, for it is program completers whose recidivism rates are usually compared to a control or comparison group.

Evidence that some drug courts are effective should not be taken as evidence that all drug courts are effective. Other research has shown wide variation in the quality of drug courts, as measured by their adherence to the practices of successful programs.

Race and Ethnicity

Any consideration of issues concerning race and ethnicity must take place in the context of not only the overrepresentation of persons of color in prison and jail populations but also the effects of severe sentences for possession and sale of drugs on overrepresentation. It is in light of these concerns that drug courts are sometimes regarded as a partial solution to the problem of extremely high incarceration rates for African Americans and Americans of Hispanic origin. The issues become whether minority group members succeed in drug court programs and, if not, whether barriers to success may be identified and removed.

In comparisons of criminal justice processing and outcomes for different racial and ethnic groups, the following variables are present: admission to drug court, length of involvement, graduation rates, recidivism rates, and relapse rates. Very little research has been conducted that explicitly addresses issues of differences by race and ethnicity on these variables. The handful of studies that are available focus on graduation rates, and many show that African American defendants are significantly less likely to graduate from drug court programs than are White defendants.

No available research provides evidence of overt discrimination against Black defendants.

Instead, racial differences are attributed to differences in other variables—such as employment, education, drug of choice, and age—that are related to race and also predictive of graduation or termination from drug courts.

A second line of research emphasizes the cultural differences between African American and White drug court participants. In particular, African American clients may attribute their problems to racism and poverty, rather than to their substance abuse. African Americans may also have negative attitudes toward mental health treatment and toward didactic styles of treatment delivery. African American males may be better served by single-gender groups. A study by Beckerman and Fontana (2001) suggests that treatment that provides for such cultural differences is associated with persistence and retention in the drug court program.

Jerome McKean

See also Drug Treatment; Drug Use; Intermediate Sanctions; Juvenile Drug Courts

Further Readings

Beckerman, A., & Fontana, L. (2001). Issues of race and gender in court-ordered substance abuse treatment. *Journal of Offender Rehabilitation*, *33*, 45–61.

General Accounting Office. (2005). *Adult drug courts: Evidence indicates recidivism reductions and mixed results for other outcomes*. Washington, DC: U.S. Government Printing Office.

Nolan, J. R. (Ed.). (2002). *Drug courts in theory and in practice*. New York: de Gruyter.

Websites

National Association of Drug Court Professionals: http://www.nadcp.org

Drug Dealers

During the 1980s, under the leadership of President Ronald Reagan, the U.S. government commenced its War on Drugs. Due to the highly skilled media onslaught engineered by the Reagan administration, many White Americans saw Hispanics, Black Americans, and other people of color as the primary culprits behind the exponential growth in crime. Federal, state, and local law enforcement agencies grew increasingly punitive regarding the use and sales of illegal drugs, eventually causing America's prisons to overflow with individuals sentenced to several years' incarceration for relatively minor offenses.

Sociologists speculated that the differences in the way Blacks and Whites dealt drugs were likely reasons for minority overattention; that is, legal authorities found it easier to apprehend minorities because of the dysfunctional nature of inner-city life. Smalltime White drug dealers tended to sell their wares in privacy, whereas smalltime Black drug dealers sold theirs on the street; this situation made it easier for the police to arrest Black dealers than to arrest White dealers. Ironically, someone committing a violent crime, such as aggravated assault or assault with a deadly weapon, could receive a much lighter sentence and/or probation more quickly than someone caught selling crack cocaine, because prison sentences for those convicted of selling drugs are mandatory.

For instance, until very recently, someone caught selling 5 grams of crack, 500 grams of powder cocaine, or 100 kilograms of marijuana, or merely possessing 100 grams of precursors needed for crystal methamphetamine could receive a sentence of 5 years in a correctional facility. If the police catch someone selling 50 grams of crack, 5 kilos of powder cocaine, or 1,000 kilograms of marijuana, or possessing 1,000 grams of precursors, the sentence would be 10 years.

Even though government pundits stated that organizations like the Medellin cartel in Colombia were still the true focuses of legal investigations, individuals of color living within the inner cities of major metropolitan American citizens were the ones most affected. Americans grew accustomed to the idea that minorities (meaning Blacks and Hispanics) were immeasurably harming the country by selling drugs, as was shown on American network news on a nightly basis. Viewers were not told, however, that law enforcement officers disproportionately concentrated their focus on racial minorities, making it seem that drug dealing was localized and endemic in minority populations.

Overpolicing was justified by the belief that most drug deals occurred in primarily Black

areas, and thus police should focus their activities there. Police thought that if they centered their attention upon legal behaviors (e.g., groups of Black youth congregating together), then they could unearth criminal behavior. For instance, police cars began spending inordinate amounts of time in Black neighborhoods, looking for any behavior that could possibly mask the selling of drugs.

Prosecutors frequently offer major drug kingpins a deal for a lesser charge (thus, drawing a lesser sentence) because they often have crucial information for the police regarding drug cartels, drug deals, and so on. Because minor dealers—for instance, someone who sells marijuana inexpensively to his fraternity brothers in college on an intermittent basis—have nothing of interest to tell the authorities, they may receive stiffer sentences than those who become extremely wealthy selling drugs to anyone wishing to purchase them. Thus, the manner in which our system is structured usually means that the key drug dealers, those grossing millions of dollars per year in profits, often draw lesser prison sentences.

Many researchers point to economic factors as an explanation for why individuals choose to sell illegal substances, even when they realize that being caught could mean jail time. Individuals (especially adolescents) living in abject poverty often have little or no access to jobs, adequate housing, or education, and they may have poor or broken social networks. Such individuals may habitually turn to crime as they may feel it is impossible to ever achieve the "American dream." Moreover, the various problems often seem to reinforce each other; someone who has little opportunity to go to college may be unable to find a decent, well-paying job and as a result may live in substandard housing. Quite often, many feel that the only way out of this vicious cycle is crime, and thus many turn to illegally selling drugs.

On a global scale, the drug trade generates enormous sums of money. During 2000, the U.S. Drug Enforcement Administration estimated that the monetary value concerning worldwide trafficking in illicit drugs equaled approximately $400 billion (U.S. dollars). If the amount of money circulated with legal drugs is added, then the global trade value for drugs would surpass the total amount expended for food. The 2005 United Nations World Drug Report reported that the overall value of the worldwide illegal drug market for 2003 (in U.S. dollars) was approximately $13 billion at the manufacturing level, $94 billion at the level where the cartels sell the drugs to their respective buyers, and over $322 billion at the retail level.

Cary Stacy Smith and Li-Ching Hung

See also Discrimination–Disparity Continuum; Drug Sentencing; War on Drugs

Further Readings

Adler, P., & Adler, P. (1983). Shifts and oscillations in deviant careers: The case of upper level drug dealers and smugglers. *Social Problems*, *31*(2), 195–207.

Gray, M. (2000). *Drug crazy: How we got into this mess and how we can get out*. London: Routledge.

Jacobs, B. (1999). *Dealing crack: The social world of streetcorner selling*. Boston: Northeastern University Press.

United Nations Office on Drugs and Crime. (2005). *World drug report*. Retrieved from http://www.unodc.org/pdf/WDR_2005/volume_1_web.pdf

Drug Sentencing

Since the advent of the War on Drugs in the 1980s, sentencing for drug offenses has been the predominant force driving expansion of criminal punishment in the United States. The increased use of criminal sanctions has disproportionately affected people of color. This entry addresses the impact of state-level (in contrast to federal) sentencing for drug offenses by race/ethnicity.

Theoretical and Policy Background

The goals of sentencing for drug offenses are commonly based in ideas of deterrence and incapacitation. In theory, the threat of criminal punishment deters people from possessing illegal drugs as well as dealing them. For those who are not deterred, criminal punishment serves to restrain (incapacitate) them in a physical way, for example, by keeping them in prison so they lack access to drug

markets in the free world. Likewise, when people see the pain meted out to drug users and dealers through criminal sentencing, fear of receiving similar pain should deter the public from engaging in drug offenses.

These goals are particularly difficult to achieve in the case of drugs, however, because of market factors. As long as consumer demand for illegal drugs remains high, suppliers become available to fill vacancies left when existing suppliers (dealers) are incapacitated via imprisonment. Sentences that are based on type and quantity of drug do very little to disrupt demand or the lure of quick wealth among potential dealers, particularly in impoverished communities.

Another potential goal of sentencing is rehabilitation, but until recently that goal has been given relatively little attention with regard to drug crimes. Rehabilitation includes approaches such as treatment programs for substance abusers. The "war" metaphor that has been so potent in drug policy tends to embrace rehabilitative approaches quite sparingly.

There are more policy alternatives for structuring sentencing for drug offenses than for violent or property offenses. Policy prescriptions directed at sentencing can have major economic ramifications, as well as impact on particular communities. For example, among state prisoners, in 1980 there were approximately 19,000 inmates (6% of total inmates) incarcerated for drug offenses (Mauer, 1999). By 2003, largely as a consequence of the War on Drugs, this figure rose to approximately 251,000 (20% of all inmates; Mauer & King, 2007). Recently, about 25% of Black inmates and Hispanic inmates are incarcerated for a drug offense, compared to 13% of White inmates (*Sourcebook of Criminal Justice Statistics Online*, 2002).

Finally, in contrast to the utilitarian emphases in sentencing, retributive values also come into play. Retribution focuses on a kind of quid pro quo: The offender must be punished because of the evil he or she has inflicted on society. Because interpretations of drug use as evil have varied historically, retribution is somewhat more difficult to apply when sentencing drug offenders than when sentencing violent or property offenders. One central tenet of retribution is proportionality of punishment: The punishment must "fit" the degree of evil of the crime, and similar offenders must be punished similarly. Proportionality has been one of the most debated issues in drug sentencing.

State-Level Sentencing

Sentencing processes vary from state to state, and for state-level drug offenses there is considerable variation in the quantity of criminal punishment imposed from one state to another.

Drug sentencing is most commonly the result of a guilty plea rather than a trial. About 95% of convicted felons in state courts plead guilty, in lieu of a trial, and approximately one third of felony convictions in state courts are for drug offenses.

Many states use sentencing guidelines, which seek uniformity in sentencing by directing judges to impose sentences within a prescribed range that is based on criminal history and seriousness of the current offense. Some states mandate by statute that the judge sentence within the guideline range; others make the range an advisory for the judge. Additionally, all states have laws prescribing that judges must impose mandatory minimum sentences for certain crimes, and these most commonly apply to drug crimes.

Sentencing under "mandatory minimum" statutes requires that the judge disregard details about the offense and the defendant, and it usually precludes early release in the form of parole. Mandatory minimums for drug offenses tend to be based on the type and amount of the drug rather than on any particular defendant's level of involvement in illegal drug activity. Thus, so-called delivery "mules" who carry drugs for dealers—and who are disproportionately female—tend to be punished at least as severely as higher-level dealers. Over a third of women incarcerated in state prisons are drug offenders. The impact is particularly significant for women of color, who constitute at least two thirds of all female inmates in state prisons.

New York's "Rockefeller drug laws" (those passed when Nelson Rockefeller was governor) are an example of mandatory sentencing. In contrast to their avowed purpose of shutting down high-level drug dealers, most persons sentenced under these laws have been convicted of possession or low-level sales. Almost 40% of the state's prisoners are drug felons, most of whom have

no prior convictions for any type of violent felony. Over 90% of the state's drug felons are African American or Latino (Human Rights Watch, 2002).

Drug Offenders Sentenced to Prison

Nationally, at least 20% of inmates in state prisons are incarcerated specifically for a drug offense. Over three fourths of these inmates are personsof color (e.g., approximately 56% are African American and 23% Hispanic; King & Mauer, 2002). This contrasts with rates of drug use in the general population, where it is estimated that 13% of monthly drug users are African American and 11% Hispanic. Though nearly three quarters of monthly drug users are White, only about 20% of drug offenders in state prisons are White (The Sentencing Project, 2001).

Drug offenders in state prison commonly have criminal histories; over three quarters have a prior sentence of incarceration or probation, and half are on probation, parole, or escape status at the time of their arrest. More broadly, well over half of all state prison inmates report having used drugs in the month prior to their arrest. Likewise, over half of all state prisoners experienced symptoms consistent with the psychological criteria for drug abuse or dependence in the 12 months prior to admission to prison. White inmates (59%) are somewhat more likely to meet these criteria than Hispanic (51%) or Black (50%) inmates. Nearly 40% of recent drug users in state prison report participating in drug-abuse programs, though the great bulk of the programs are self-help group/peer counseling or educational programs. Only about 10% report participating in actual drug treatment (e.g., professional counseling, residential unit, maintenance drug) in prison (Bureau of Justice Statistics, 1999).

Those sentenced to state prison for drug offenses tend not to have a history of violence or high-level drug activity. Over 40% are convicted of possession; 27% of these are for simple possession, and 16% are for possession with intent to deliver (King & Mauer, 2002). At the time of their crimes, violent offenders in state prisons are more apt to have been under the influence of alcohol than of other psychoactive substances.

Nonprison Sentences

Probation is another common sentence for persons convicted of drug crimes. Of the more than 4 million persons on state probation, the most common underlying crime (over 25% of probationers) is a drug offense. Nearly half of all state probationers are persons of color (Bureau of Justice Statistics, 2006). All states also use so-called intermediate sanctions that are intended to be harsher than regular probation but not as harsh as prison. These include residential programs and intensively supervised probation, and they commonly involve provision for relatively frequent drug testing.

It is generally recognized that drug treatment is more cost-effective in reducing crime and drug abuse than prison is. One promising alternative related to drug sentencing is drug treatment court, which combines a more holistic approach to drug treatment with the threat of criminal sanctions for noncompliance. Treatment staff work closely with the court, drug testing is frequent, and the threat of incarceration remains for those who fail to comply with court and treatment directives. For persons charged with drug possession, drug treatment courts have shown appreciable reductions in rearrest rates, as well as reduced drug use among participants, when compared with other sentencing options.

Racial/Ethnic Disparity

The fact that persons of color are punished more frequently for drug crimes is evident. In general, for drug offenses, both Hispanic and Black defendants have a higher likelihood of receiving a sentence of incarceration than White defendants, though there are not appreciable differences in lengths of prison sentences among racial/ethnic groups.

For example, it has been found that state mandatory sentences for drug crimes have tended significantly to result in increased sentences for Blacks and Mexican Americans for possession of narcotics, though for very small quantities of narcotics, Blacks were less likely to be incarcerated than Whites. Likewise, with sentencing guidelines, Whites (and females) are more apt to receive downward departures (from sentencing

guidelines) than racial/ethnic minorities, with Hispanics least likely to receive such relatively favorable sentences.

Additionally, research in the sentencing of Black drug offenders found that Black women's custodial parenting responsibilities, or their caring for an adult family member, significantly reduced their likelihood of incarceration, but such mitigation was not afforded similarly situated Black men.

Criminologists have suggested a variety of explanations for racial/ethnic disparity in drug sentencing. One of the most common involves the interpretation of offense and offender by sentencing decision-makers. Here, stereotypes and social status can play a significant role. For example, because Hispanics generally have fewer resources and may be more culturally dissimilar from those sentencing them, they may be seen as more threatening and hence receive more severe punishment. Likewise, Blacks who are dealers and/or who have a prior criminal record may be stereotyped as more dangerous by sentencing decision makers.

Disparate sentencing by race/ethnicity also reflects earlier criminal processes that can be especially affected by factors like poverty and unemployment. For example, the unemployed and those who have previously come to the attention of the police are likely to be subject to higher bail and so are more likely to spend time in jail while awaiting further criminal processing. Likewise, poverty has a direct effect on the ability to retain a private lawyer for one's defense.

Socioeconomic disadvantage, which in the United States is correlated with race and ethnicity, also contributes indirectly to sentencing by influencing which social groups tend to enter the criminal process. Persons faced with relatively high levels of economic deprivation may see drug use or drug dealing as an appealing escape, and their disillusionment and alienation with regard to conventional society may enhance the lure of illegal gain that the drug world represents.

Finally, it is important to recognize that sentencing for drug offenses can implicate a variety of indirect but not insignificant side effects. For example, a drug conviction may collaterally involve loss of college financial aid, loss of public welfare benefits, a state of temporary disenfranchisement from voting, and inability to obtain professional licensure. Thus, even aside from time spent in institutional or community corrections, drug sentencing can involve major opportunity costs in terms of work, school, and parenting. If social groups are disproportionately subject to drug sentencing, the deleterious impact on entire communities can be substantial.

Frank Butler

See also Drug Courts; Drug Sentencing, Federal; Mandatory Minimums; Sentencing; Sentencing Disparities, African Americans; Sentencing Disparities, Latina/o/s; Sentencing Disparities, Native Americans; War on Drugs

Further Readings

Bureau of Justice Statistics. (1999). *Substance abuse and treatment, state and federal prisoners, 1997* (Report No. NCJ 172871). Washington, DC: U.S. Department of Justice.

Bureau of Justice Statistics. (2006). *Probation and parole in the United States, 2005* (Report No. NCJ 215091). Washington, DC: U.S. Department of Justice.

Demuth, S., & Steffensmeier, D. (2004). Ethnicity effects on sentence outcomes in large urban courts: Comparisons among White, Black, and Hispanic defendants. *Social Science Quarterly*, *85*, 994–1011.

Flavin, J. (2001). Of punishment and parenthood: Family-based social control and the sentencing of Black drug offenders. *Gender & Society*, *15*, 611–633.

Gainey, R. R., Steen, S., & Engen, R. L. (2005). Exercising options: An assessment of the use of alternative sanctions for drug offenders. *Justice Quarterly*, *22*, 488–520.

Human Rights Watch. (2002). *Collateral casualties: Children of incarcerated drug offenders in New York*. New York: Author.

King, R. S., & Mauer, M. (2002). *Distorted priorities: Drug offenders in state prisons*. Washington, DC: The Sentencing Project.

Mauer, M. (1999). *The crisis of the young African American male and the criminal justice system* (Prepared for the U.S. Commission on Civil Rights). Washington, DC: The Sentencing Project.

Mauer, M. (2006). *Race to incarcerate* (Rev. ed.). New York: The New Press.

Mauer, M., & King, R. S. (2007). *A 25-year quagmire: The War on Drugs and its impact on American society*. Washington, DC: The Sentencing Project.

The Sentencing Project. (2001). *Drug policy and the criminal justice system*. Washington, DC: Author.
Sourcebook of criminal justice statistics (31st ed.). (n.d.). Retrieved September 21, 2007, from http://www.albany.edu/sourcebook
Steen, S., Engen, R. L., & Gainey, R. (2005). Images of danger and culpability: Racial stereotyping, case processing, and criminal sentencing. *Criminology*, *43*, 435–520.
Tonry, M. (1995). *Malign neglect: Race, crime, and punishment in America*. New York: Oxford University Press.

Drug Sentencing, Federal

Sentencing practices for federal offenders have been altered significantly over the past several decades. Those charged with drug-related offenses at the federal level have experienced the harshest treatment within the criminal justice system. Though the Sentencing Reform Act of 1984 was designed to support more equitable sentencing practices, sentencing disparities continue, sending minorities to prison with much longer sentences than those of their White counterparts. While drug use remains widespread in the United States, criminal justice professionals and policymakers have an opportunity to develop strategies to tackle this problem. This entry reviews federal laws relating to drug use and presents evidence of disparities in the sentencing of minorities convicted of drug offenses. Such evidence highlights the importance of developing strategies and interventions that address the problem of drug use without inequitably penalizing vulnerable populations.

Federal drug sentencing refers to penalties given to individuals convicted of drug-related offenses at the federal level. Drug offenses are treated harshly at the federal level. Ever since the Sentencing Reform Act of 1984 was implemented, the number of individuals incarcerated for drug-related offenses at the federal level has increased substantially. This has had a negative impact particularly on minorities.

The number of incarcerated individuals has increased by 500% since the 1970s. Between 1980 and 1996 alone, state and federal incarceration rates increased by over 200%. Between 1984 and 1999, the number of offenders convicted for a federal drug-related offense almost tripled from 11,854 to 29,306. Many attribute substantial increases in the number of incarcerated individuals to the War on Drugs and its implementation. Approximately 60% of those incarcerated in federal prisons are drug offenders.

The War on Drugs

The War on Drugs has stubbornly persisted in guiding sentencing mandates since the 1980s, calling for stiffer penalties for drug offenders, including those found guilty of possession, and trafficking. Since the initiation of the War on Drugs, tens of thousands of individuals have been incarcerated on drug-related charges, most of whom are African American males.

Even though African Americans reportedly are less likely than Whites to use drugs, they are more likely to be arrested on drug-related charges. African Americans are more than twenty times more likely to be incarcerated for a drug-related offense. More specifically, Blacks, males, and less-educated offenders from socially disadvantaged backgrounds are more likely to receive substantially longer sentences.

In 2004, measures of drug abuse and dependence were included for the first time on the annual survey conducted by the Bureau of Justice Statistics, the research arm of the National Institute of Justice. The findings indicated that over three fourths of the recent arrestees were under the influence of illicit drugs during the commission of their crime(s). Minorities often get longer sentences than White offenders for committing similar offenses. Much of this disparity is as a result of the implementation of increasingly punitive federal drug laws aimed at controlling the use of illegal substances.

Federal Drug Laws

Over the past several decades, penalties for drug use and trafficking have increased substantially. Largely due to legislative changes during the 1980s and 1990s, the vast majority of federal drug offenders were subjected to statutory minimum prison terms. A pivotal piece of legislation,

the Sentencing Reform Act of 1984, was designed to alleviate the disparities that were evident in traditional sentencing practices. This act mandated mandatory sentencing minimums for federal offenses and also shifted sentencing discretion from judges to prosecuting attorneys, resulting in a nationwide shift. This act was applied toward any federal offense committed on or after November 1, 1987.

Though the Sentencing Reform Act of 1984 was designed to eliminate racial disparities in standard sentencing practices, researchers have reported that this act actually increased disparities between Blacks and Whites. The Sentencing Reform Act also limited the number of incentives that federal offenders received for good behavior while incarcerated; this required the development of guidelines to restructure sentencing procedures. Accordingly, federal offenders are required to complete at least 87% of their sentence before being released.

The implementation of the Sentencing Reform Act of 1984 has been particularly harsh to federal drug offenders. From 1986 to 1999, both the number of individuals incarcerated for drug-related offenses and the length of their sentences increased substantially; drug offenders involved in crimes related to crack cocaine received the longest sentences. Supporters of this act initially expected it to be instrumental in eliminating sentencing disparities. Supporters of this act also insisted that it would create a more just and equitable environment, mostly due to shifting the discretion that judges normally possessed to prosecuting attorneys. However, sentencing disparities have stubbornly persisted.

Sentencing Disparities

Since the implementation of more punitive sentencing practices and penalties for drug-related offenses, the number of minorities incarcerated has increased substantially. Disparities in sentencing for federal offenses have continued beyond legislative action designed to eliminate them. African American and Hispanic defendants charged with drug-related offenses experience discrimination at various phases in the criminal justice system, including during sentencing.

Researchers examining sentencing disparities have used a variety of theoretical models and explanations to probe this issue. Disparities are especially evident in cases involving drug offenders, and nowhere is the disparity seen more prominently than sentencing patterns for individuals caught with crack cocaine versus those possessing powder cocaine. Individuals convicted of possessing crack cocaine are at a distinct disadvantage, as the penalties for individuals convicted of possession of crack cocaine versus powder cocaine are much stiffer.

Crack Cocaine Sentencing Disparities

Crack cocaine is especially popular in urban areas and has resulted in law enforcement agencies resorting to aggressive strategies and techniques to capture crack cocaine users and sellers. Crack cocaine is especially popular in inner-city areas where many minorities, particularly African Americans, reside. Since African Americans tend to be charged with using or distributing crack cocaine, they are particularly vulnerable and it is quite evident in the statistics on the prison population. The prison population has continued to increase; federal prisons are currently operating 34% over capacity. African Americans are incarcerated disproportionate to their representation in the general U.S. population. They currently comprise almost half of the prison population.

Tawandra L. Rowell

See also Sentencing; Sentencing Project, The; War on Drugs

Further Readings

Albonetti, C. A. (1997). Sentencing under the federal sentencing guidelines: Effects of defendant characteristics, guilty pleas, and departures on sentence outcomes for drug offenses, 1991–1992. *Law & Society Review*, *31*, 789–822.

Bertram, E., Blachman, M., Sharpe, K., & Andreas, P. (1996). *Drug war politics: The price of denial.* Berkeley: University of California Press.

Blumstein, A., & Beck, A. (1999). Factors contributing to the growth in U.S. prison populations. In M. Tonry & J. Petersilia (Eds.), *Prisons* (pp. 17–61). Chicago: University of Chicago Press.

Brent, S. L., & Damphousse, K. R. (1996). Punishing political offenders: The effect of political motive on federal sentencing decisions. *Criminology*, *34*, 289–321.

Free, M. D. (1997). The impact of federal sentencing reforms on African Americans. *Journal of Black Studies*, *28*, 268–286.

Iguchi, M. Y., London, J. A., Forge, N. G., Hickman, L., Fain, T., & Riehman, K. (2002). Elements of well-being affected by criminalizing the drug user. *Public Health Report*, *117*(Suppl. 1), S146–S150.

Mauer, M. (2006). *Race to incarcerate*. New York: The New Press.

Mumola, C. J., & Karberg, J. C. (2006). *Drug use and dependence, state and federal prisoners, 2004*. Washington, DC: U.S. Department of Justice.

Mustard, D. B. (2001). Racial, ethnic, and gender disparities in sentencing: Evidence from the U.S. federal courts. *Journal of Law and Economics*, *44*, 285–314.

Scalia, J. (2001). *Federal drug offenders, 1999 with trends 1984–99* (Report No. NCJ 187285). Washington, DC: U.S. Department of Justice.

Spohn, C., & Holleran, D. (2000). The imprisonment penalty paid by young, unemployed Black and Hispanic male offenders. *Criminology*, *38*, 281–526.

Ulmer, J. T., & Kramer, J. H. (1996). Court communities under sentencing guidelines: Dilemmas of formal rationality and sentencing disparity. *Criminology*, *34*, 383–408.

Wooldredge, J., Griffin, T., & Rauschenberg, F. (2005). (Un)anticipated effects of sentencing reform on the disparate treatment of defendants. *Law & Society Review*, *39*, 835–874.

Drug Trafficking

Drug trafficking involves the commercial trading, smuggling, or distributing of illegal drugs and/or the paraphernalia used to produce or consume these illegal substances. Drug trafficking and corresponding drug use are, and have been, two persistent concerns to law enforcement agencies. Drug trafficking, drug users, and drug offenders involve many different racial groups and vary from street-level dealings to large-scale drug trafficking organizations. This entry describes the history of drug trafficking and contemporary drug transporting and distribution threats to the United States.

America's first drug epidemic can be traced to the 1850s when the Chinese, bringing with them opium, began migrating to the United States to work in the gold mines and on the railroads. Opium began spreading steadily east across the nation, and soon Americans of all ages were addicted to opium as well as other opiates, such as morphine, and newfound drugs, like cocaine and heroin, often used for pain management. Cities and states began passing antidrug laws in an effort to combat the epidemic. Simultaneously, the federal government initiated a movement to limit opium and coca plant production.

By the end of World War II, drugs were seen as only a minor social problem. At this time, the United States could find no legitimate linkage between drugs and racial/ethnic minorities. The decade of the 1960s brought with it drugs like marijuana, amphetamines, psychedelics, and a generation who had long forgotten the first drug epidemic. This generation of recreational drug users believed drugs were part of the "hip" social culture of the time. During the 1960s, the drug culture exploded and opened the United States and the world to major drug trafficking. These new concerns involving illegal drugs and their trafficking caused the U.S. government to create the Drug Enforcement Administration in 1973, in an attempt to quell the growing problem.

Drug use was not suppressed as hoped, and use has continued since its peak in 1979. This peak came about due to the resurgence of powder cocaine use during the 1970s and 1980s and the Colombian drug mafia's introduction of crack cocaine in the 1980s. The combination of crack and powder cocaine cast America into its most devastating drug crisis yet. The 1990s saw the War on Drugs, in which there was a push by society to target crack and powder cocaine use and trafficking. New laws, strategies, and tactics were put in place in a strong attempt to crush the drug dilemma of the 1970s and 1980s.

Today, the United States' largest drug threats arise from drug trafficking organizations (DTOs), which are primarily Mexican and Colombian associations and have a clear hierarchy of command. These operations manufacture, smuggle, and distribute multiple illegal substances. This then creates a huge challenge to law enforcement across the country. In the 2008 National Drug Threat

Assessment, Mexican DTOs were considered the most insidious organized drug groups threatening the United States today. This is primarily because these DTOs tend to control every aspect of the drug trafficking industry. For example, in Florida, the Mexican DTOs have replaced street-level distribution by African American gangs and have taken over the entire drug market.

Asian DTOs are seen as an emerging concern to law enforcement. They are based in Canada and are primarily Vietnamese in origin. They traffic highly potent marijuana and methylenedioxymethamphetamine (MDMA, also called ecstasy). Both marijuana and ecstasy are produced in Canada and smuggled into the United States through vehicles crossing the Canada–U.S. border. Recently, Asian DTOs have moved their production sites inside the United States to avoid losing drug shipments at border crossings.

Other than by the Mexican DTOs, most of the transporting and distributing of illegal drugs is done by Colombian, Dominican, Cuban, and Jamaican groups. Colombian DTOs are known for their transportation and distribution of South American heroin and cocaine in the Northeast and Florida. Due to several large confiscations and arrests made against Colombian DTOs, they are now channeling much of their transporting and distributing to the Mexican DTOs in order to foil law enforcement interdiction. The Dominican DTOs operate in the same regions as the Colombians and tend to work alongside the Colombians in distribution of South American heroin and cocaine. Cuban DTOs work primarily in Florida and the southeastern states, distributing highly potent marijuana. Finally, Jamaican DTOs focus on the distribution of marijuana to the New York–New Jersey area and to Florida and the Caribbean Islands.

Colombian DTOs retain the control not only of the U.S. cocaine supply but also that of the world. Cocaine is trafficked mainly by the Colombian organizations with help from Mexican DTOs. Alternatively, crack cocaine is distributed by African American gangs and smaller criminal organizations such as Dominicans, Puerto Ricans, or Jamaicans. Heroin comes mainly from South America (Colombia), Southeast Asia (Burma), Mexico, and Southwest Asia/Middle East (mainly Afghanistan) and is trafficked by a specific group in each one of those regions/countries. Methamphetamine is also chiefly trafficked by Mexican DTOs. Marijuana is trafficked by the Asian DTOs through the U.S.–Canada border and by the Mexican DTOs through the U.S.–Mexican border. Lastly, ecstasy originally had a low demand but has recently experienced a staggering increase in demand and users. Ecstasy is a hallucinogenic drug that is manufactured in Europe and is trafficked by both international and U.S. trafficking groups for consumption primarily by middle-class adolescents.

Although illegal drugs are being trafficked by certain racial and ethnic groups, they are consumed by all demographics. The most recent data on drug use by race/ethnicity are from 2006, when there was a total U.S. population of 299,398,485 people of which almost 74% were White, 12.4% were Black, almost 15% were Hispanic/Latina/o, 0.8% were American Indian/Alaska Native, almost 4.5% were Asian, 0.1% were Native Hawaiian/other Pacific Islander, a little over 6% were some other race, and 2% reported being two or more races. Of the 299 million people, it was recorded that 20.4 million people, 12 and older, admitted to being current illegal drug users. The group using the most illegal drugs overall in 2006 (relative to their population size) was American Indians/Alaska Natives, followed by Blacks/African Americans, and people listing that they were two or more races; coming in fourth were Whites, followed by Hawaiians/other Pacific Islanders, Hispanics/Latinos, and finally Asians.

The War on Drugs can no longer be viewed as a demographically specific fight because drugs affect all races from all levels of society. Drug use and trafficking have a lengthy history in the United States, and unfortunately an end to that history is not in the foreseeable future. Although today's drug problem is not viewed as prolific an issue as it was in the 1970s and 1980s, there is still a strong societal demand to see drug trafficking and drug use quelled.

Marigny Hluza

See also Drug Cartels; Drug Dealers; War on Drugs

Further Readings

Drug Enforcement Administration Museum and Visitors Center. (n.d.). *Illegal drugs in America: A modern history*. Retrieved February 28, 2008, from http://www.deamuseum.org/museum_ida.html

Drug Policy Alliance Network. (2008). *Drug policy around the world: Drug trafficking & interdiction*. Retrieved from http://www.drugpolicy.org/global/drugtraffick

National Institute on Drug Abuse. (2003, September). *Drug use among racial/ethnic minorities: Revised* (NIH Publication No. 03-3888). Retrieved from http://www.drugabuse.gov/pdf/minorities03.pdf

Office of National Drug Control Policy. (n.d.). *Minorities and drugs* [Fact sheet]. Retrieved March 7, 2008, from http://www.whitehousedrugpolicy.gov/drugfact/minorities/index.html

Substance Abuse of Mental Health Services Administration, Office of Applied Studies. (2007). *Results from the 2006 National Survey on Drug Use and Health: National findings* (NSDUH Series H-32, DHHS Publication No. SMA 07-4293). Retrieved from http://www.oas.samhsa.gov/nsduh/2k6nsduh/2k6Results.cfm#2.7

U.S. Drug Enforcement Administration. (n.d.). *Drug trafficking in the United States* [Fact sheet]. Retrieved February 18, 2008, from http://www.usdoj.gov/dea/pubs/state_factsheets.html

U.S. Drug Enforcement Administration. (2002). *Get it straight! Words you'll run across*. Retrieved from http://www.usdoj.gov/dea/pubs/straight/words.htm

U.S. Drug Enforcement Administration, National Drug Intelligence Center. (2007, October). *National drug threat assessment 2008: Drug trafficking organizations*. Retrieved from http://www.dea.gov/concern/18862/dtos.htm#Top

Drug Treatment

The primary goal of drug treatment is commonly called "recovery," which is usually defined as the abstinence from mind-altering chemicals; however, recovery also involves changes in drug users' physical, psychological, social, familial, and spiritual areas of functioning. For this metamorphosis to take place, an efficacious treatment plan needs to be designed, but before it is made, a thorough assessment needs to be carefully conducted by well-trained mental health professionals. Such an assessment is aimed at making an accurate diagnosis, as well as obtaining the client's history of drug use. The criteria should include how drug use affects the clients' behavioral characteristics (job or school performance, relationship with others, legal problems, medical problems, etc.).

Treatment Settings

Drug treatment can take place in a variety of locales. These treatment settings differ with respect to the treatment services provided, treatment requirement, treatment length, and the frequency of meetings. This section provides basic information about some of the most common treatment settings.

Free-Standing Rehabilitation and Residential Programs

Free-standing, non-hospital-based rehabilitation and residential programs include three treatment phases: detoxification, rehabilitation, and aftercare. The detoxification phase is a process of relieving the symptoms of intoxication and takes place either in a hospital or in nonhospital settings. Although some patients may be detoxified prior to being admitted, many programs have their own detoxification facilities. Once detoxification is completed, the patient is formally enrolled into treatment.

During the rehabilitation phase, the client receives an intervention, where facets include peer interaction as well as a supportive atmosphere. During this time period, patients receive different types of therapeutic intervention (individual, group, or family), and active participation is required by the facility. The treatment length for inpatients lasts approximately 21 to 28 days, but if the patient is not making progress, a more restricted environment may be implemented.

Aftercare is the third phase, which is designed as a transition period for clients before they reenter daily life. The environment is not as restrictive as the other two phases, but patients are still required to attend 12-step meetings.

Intensive Outpatient Programs

This type of program provides daily treatment-related activities to once-weekly meetings. Clients are expected to attend three evenings of 3-hour group therapy with 1 hour of family therapy. In addition, they are expected to attend Alcoholics Anonymous or Narcotics Anonymous meetings.

Partial Hospitalization

In partial hospitalization programs, also called day treatment, clients are allowed to live at home but are still required to attend at least one treatment activity during the day. The environment is less restrictive than some treatment settings and is between hospital impatient and intensive outpatient.

Temporary Recovery or Halfway Homes

This setting is a community-based home near a rehabilitation facility. These homes provide minimally structured transitional living in a recovering environment. Patients are required to stay abstinent, find employment, and attend 12-step recovery meetings.

Dual-Diagnosis Hospital Inpatient Program

The dual-diagnosis hospital inpatient program has the following characteristics: Services are provided in psychiatric hospitals and are designed to help clients with more-serious drug use or dependency. These services include onsite, 24-hour medical and psychiatric care with limited family and friend visitation, intensive assessment services, and daily intensive group contact with other clients. This environment is very restrictive.

Medical Detoxification and Stabilization

This type of treatment setting is designed for individuals with a severe type of addiction. Usually, most employees in this setting have training in pharmacological detoxification and thus can work with patients' concomitant medical conditions. Patients are treated to lessen the physical and psychological symptoms caused by heavy drug use. The treatment length usually lasts 2 weeks, and the first step is detoxification.

Treatment Plans

Once a treatment setting is selected, a detailed treatment plan needs to be completed by the mental health service providers. The treatment plan is designed to help mental health service providers clarify their objectives while working with clients who have a history of drug use. A basic treatment plan should have the following elements:

1. Type of plan: must be specific and behaviorally oriented
2. Problem statement: a statement of the client's problem(s)
3. Evidence to prove the statement of problems
4. Treatment goals: long-term and short-term goals
5. Objective: needs to be realistic and measurable
6. Methods: interventions designed to address specific behaviors
7. Frequency of services provided: types of therapy and when the intervention would be implemented during the treatment
8. Signature from clients, indicating their consent to, and understanding of, the entire treatment plan

Although there are differences, some treatments offer very similar services, and any treatment might be the best choice for a particular client under certain circumstances. Thus, it is essential for the client to consider the following factors when selecting the type of treatment: ability to pay, method of payment, previous treatment experiences, and current emotional and behavioral state.

Treatment Therapy

Individual Therapy

During individual therapy sessions, counselors provide interventions designed and chosen to help their clients reach treatment goals. Individual therapists are more likely to choose the following treatment approaches: cognitive-behavioral therapy, solution-focused brief therapy, reality therapy, Gestalt therapy, and aversion therapy.

Group Therapy

This is the most frequently used drug treatment. It costs less than individual therapy and has reliable treatment outcomes. A typical group consists of six to eight members and is either closed or open to new members. Family therapy is a highly recommended option and involves other family members.

Treatment Concerns

Regardless of how effective the type of treatment setting is, some researchers have argued that the most common drug treatment outcome is relapse. As a result, relapse prevention has become a critical issue and has caught the attention of many mental health care professionals. Relapse is determined by an individual's personality and the environment he or she is in. Thus, it is important for professionals to prepare relapse intervention strategies as part of the treatment plan.

Cary Stacy Smith and Li-Ching Hung

See also Drug Courts; Drug Use; Drug Use by Juveniles

Further Readings

Fletcher, B. W., Horton, A., & Inciardi, J. A. (1994). *Drug abuse treatment: The implementation of innovative approaches*. Westport, CT: Greenwood Press.

Laban, R. L. (1997). *Chemical dependency treatment planning handbook*. Springfield, IL: Charles C Thomas.

Stevens, P., & Smith, R. L. (2005). *Substance abuse counseling: Theory and practice* (3rd ed.). Upper Saddle River, NJ: Pearson/Merrill Prentice Hall.

Drug Use

Drug use refers to individual behaviors that involve the consumption of alcohol and use of other illicit drugs including nonprescription drugs. Some individuals use drugs for recreational purposes, others have a more serious problem of drug abuse, while the extreme form of drug use is addiction. Drug use can have serious consequences not only for individuals but for families, schools, communities, social institutions, the criminal and juvenile justice systems, and the private sector. This entry examines the extent of drug use, drug of choice, drugs and race, and drug use and crime.

During the first decade of the 21st century, drug use continues to be a social problem. According to the National Survey on Drug Use and Health (NSDUH), during 2007, approximately 19.9 million Americans age 12 and older, used illegal drugs. The rate of illicit drug use has remained fairly stable since 2002, ranging from 8.3% to 8.1% in 2005, and 8% in 2007. Binge drinking, driving under the influence, marijuana use, prescription drug use, and cocaine use continue to present challenges for all Americans, especially youth and young adults. For example, almost 10 million persons age 12 or older reported they drove under the influence of illicit drugs in 2007, 2.1 million used cocaine, and 6.9 million reported using prescription-type drugs for nonmedical purposes during the past month when surveyed. According to the NSDUH, 3.9 million people age 12 or older received treatment for alcohol or illicit drug use in 2007.

Each drug user is unique. Recreational drug users are not easily characterized. They are less likely to use alcohol and/or drugs on a regular basis and, therefore, may not view themselves as either drug abusers or drug dependent. They are less likely to view their drug use as interfering with their interpersonal relationships, employment, or other endeavors. Most drug abusers and those experiencing addictions are dependent on drugs and are thought to share some common characteristics, including personality disorders, an unhealthy physical appearance, as well as engaging in risky behaviors and social activities. Some lack adequate hygiene, have an imbalance in sleeping habits, experience loss of appetite, have weight problems (too thin or too heavy), and experience an overabundance of hyperactivity or lethargy. From a personality and social activity perspective, the following behaviors tend to occur: (a) verbally and physically abusive to others, (b) frequent change in mood, (c) constant lying and stealing, (d) depression, (e) loss of interest in social activities, and (f) poor concentration or memory.

Drug Choice Information

Drug choices have varied over time. During the past several decades, marijuana has been the most

commonly used illegal drug. According to the most recent data, 14.4 million Americans reported using marijuana in the past month.

Cocaine is second only to marijuana as the drug of choice for many. For example, an estimated 23 million (10.6%) Americans age 12 or older have used cocaine. In 2007, an estimated 1 million (0.4%) Americans had tried hallucinogens, including ecstasy.

According to the National Institute on Drug Abuse (NIDA), prescription medications such as pain relievers (hydrocodone, oxycodone, and morphine), depressants (tranquilizers and sedatives), and stimulants (amphetamines, methamphetamines, and Ritalin) are beneficial when used responsibly. When these drugs are not taken as directed or given to others to use, serious problems, including addiction, can occur. Even though the number of persons abusing prescribed medications is unknown, the rates of the nonmedical use of prescription pain relievers have not changed very much between 2002 and 2007. In the 2007 NSDUH survey, 2.1% (5.2 million) of respondents reported using prescription pain relievers nonmedically during the past month. Over-the-counter medications, such as cough and cold medicines containing dextromethorphan, are also abused.

Drugs and Race

According to the NSDUH, illicit drug use varied by race and ethnicity in 2007 and the specific drug in question. Despite media portrayal of African Americans and drugs, they were not the group most likely to report illegal drug use. The largest ethnic group was that of American Indians or Alaska Natives (12.9%), followed by those reporting to belong to two or more races (11.8%), Blacks or African Americans (9.5%), and Whites (6.6 %). The smallest categories were Hispanic and Latinos (6.6 %) and Asians (4.2 %). Although these numbers might be surprising, the NSDUH reports no significant changes in the rates of use between 2006 and 2007. Use of alcohol was highest among Whites (56.1%) and binge alcohol use was more likely to be reported by American Indians or Alaska Natives (28.2%).

Drug Use and Crime

During the late 20th century, drug-related crimes became a serious problem in the United States, as did crimes such as theft and assault. For example, between 1980 and 1995, more than 50% of all federal prisoners were convicted of drug offenses. Evidence from these prisoners indicated they were more likely to commit crimes after using alcohol, cocaine, heroin, or methamphetamine. In addition, heavy drug users were more likely to commit crimes than were irregular drug users. According to data obtained from the 2004 Bureau of Justice Statistics report on drug use and dependence among state and federal prisoners, 50% of federal prisoners and 56% of state prisoners committed their offenses under the influence of drugs. Forty percent of state and 49% of federal inmates were either drug abusers or drug dependent, and 26% of federal inmates reported using drugs at the time of their offense. Moreover, the majority stated that the most common drug of choice was either marijuana or cocaine (both powder and crack). The report also stated that one in four violent offenders used drugs when they committed their offenses. Among minority groups, African Americans were more likely than Whites and others to be victims of drug-related homicides between 1976 and 2005. The highest levels of drug use in the month the offense was committed were reported by burglary, robbery, and larceny offenders. Adults on probation (28.4%) and parole (24.1%) reported much higher illicit drug use than adults not on probation (7.4%) or parole (7.7%) in 2007.

Drug use continues to be an important societal issue. Even though misperceptions about race and drug use continue, drug use among Whites now receives more media attention. Future research should examine evidence-based education and prevention efforts that deter drug use and abuse.

Cary Stacy Smith and Li-Ching Hung

See also Drug Courts; Drug Sentencing; Drug Treatment; Drug Use by Juveniles

Further Readings

Karberg, J. C., & James, D. J. (2005, July). *Substance dependence, abuse, and treatment of jail inmates, 2002* (Report No. NCJ 209588). Retrieved from U.S. Department of Justice website: http://www.ojp.usdoj.gov/bjs/pub/pdf/sdatji02.pdf

Mumola, C. J., & Karberg, J. C. (2006, October). Drug use and dependence, state and federal prisoners, 2004. *Bureau of Justice Statistics Special Report* (NCJ 213530). Retrieved March 7, 2009, from U.S. Department of Justice website: http://www.ojp.usdoj.gov/bjs/pub/pdf/dudsfp04.pdf

Provine, D. M. (2007). *Unequal under law: Race in the War on Drugs*. Chicago: University of Chicago Press.

Substance Abuse and Mental Health Services Administration. (2008). *Results from the 2007 National Survey on Drug Use and Health: National findings* (Office of Applied Studies, NSDUH Series H-34, DHHS Publication No. SMA 08-4343). Rockville, MD: Author. Retrieved March 7, 2009, from http://www.oas.samhsa.gov/nsduh/2k7nsduh/2k7Results.pdf

Substance Abuse and Mental Health Services Administration, Office of Applied Studies. (2009). *Trends in nonmedical use of prescription pain relievers: 2002 to 2007*. Retrieved March 7, 2009, from http://www.oas.samhsa.gov/2k9/painRelievers/nonmedicalTrends.cfm

U.S. Department of Justice, Bureau of Justice Statistics. (2007). *Homicide trends in the U.S.: Trends by race*. Retrieved March 7, 2009, from http://www.ojp.gov/bjs/homicide/race.htm

Websites

National Institute on Drug Abuse: http://www.drugabuse.org

Office of National Drug Control Policy: http://www.whitehousedrugpolicy.gov

Streetdrugs.org: http://www.streetdrugs.org

Substance Abuse and Mental Health Services Administration: http://www.SAMHSA.gov

Drug Use by Juveniles

Psychoactive drug use is a mainstay of American culture, with use dating to the nation's founding. Most adult drug users report adolescence as the time in which drug initiation occurred for them. Due to the potential negative consequences that juvenile drug use poses, considerable effort has been made toward understanding the consequences, prevalence, and causes of this public health problem. This entry provides a brief overview of each of these dimensions. Where applicable, components are discussed within the context of race.

Consequences

Psychoactive drug use poses considerable negative consequences for individual users, families, and society in general. On the economic front, costs are astronomical. In 2002, costs stemming from adult and juvenile drug treatment, drug law enforcement, lost productivity, and insurance totaled $180.8 billion. Underage drinking alone costs taxpayers $62 billion a year.

On the health front, considerable life is lost to drug abuse and dependence, particularly that concerning alcohol and tobacco. While hard drug use is indicated in the deaths of 8,000 Americans each year, alcohol and tobacco use is implicated in the deaths of 130,000 and 440,000 individuals, respectively. Of the 50,000 12- to 17-year-olds who sought emergency department treatment for medical problems stemming from drug use in 2005, Drug Abuse Warning Network data indicate that 9,000 sought medical aid for cocaine use.

Adolescent drug use negatively impacts cognitive, emotional, and social development; has the potential to stunt memory and learning skills; and is indicated in a plethora of health-risk behaviors and conditions. Adolescent drug use constitutes a salient risk factor for psychiatric disorders, suicide, accidents, pregnancy, truancy, school dropout, delinquency, and drug abuse and dependence during both adolescence and adulthood. According to the National Survey of Drug Use and Health, less than 200,000 of the 2.1 million adolescents estimated to need drug treatment in 2005 actually received it.

Epidemiology

The incidence and prevalence of drug use among juveniles are captured and monitored by two major surveys: the Monitoring the Future study, which collects data from 8th-, 10th-, and 12th-grade students, and the National Survey on Drug Use and Health, which collects data from juveniles ages 12 to 18. Alcohol, tobacco, and marijuana use (collectively referred to as soft drugs) are the three most commonly used drugs among youth. In 2004, for example, almost 20% of youth were estimated to have used alcohol within the past month.

Rates of drug use differ along demographic lines. Incidence and prevalence rates increase as youth navigate through adolescence. Hard drugs typically are initiated at older ages than are soft drugs, and alcohol and tobacco initiation typically occurs prior

to marijuana initiation. Adolescent females are initiated to alcohol and tobacco use at slightly earlier ages than are their male counterparts, but male youth engage in more frequent drug use. American Indian and Caucasian youth consistently report the highest levels of drug use of all racial groups; rates of use are lowest among Asian adolescents. Rates of drug use among Hispanic and African American youth generally fall in the middle.

Etiology

Over 40 theories of adolescent drug use have been developed. Most theories are environmental in nature, positing that risk factors emanating from peer, family, school, and community domains of influence increase youth's risk for drug use. The most empirically supported theories include Hirschi's social control theory, Akers's social learning theory, and Hawkins and colleagues' social development model.

Research consistently has documented the following risk factors for youth drug initiation and use: poor school performance; prodrug norms and attitudes; delinquency; positive drug expectancies; poor relationships with parents; parental conflict; and association with peers, parents, and other adults who use drugs or espouse prodrug norms and attitudes. Protective factors that decrease risk for drug use include attachment to prosocial others; commitment to conventional pursuits; and a belief in and respect for laws and authority.

Prevention and Control

Two major lines of action are taken to prevent juvenile drug use: the employment of youth drug prevention programs and the enforcement of drug laws. Youth drug prevention programs typically are school-based and utilize primary prevention strategies designed to prevent juvenile drug initiation. Drug prevention programs shown to have the most promise for preventing or delaying drug use include those founded on the social influence model.

The enforcement of drug laws does not appear to elicit a sizable deterrent effect among juveniles. According to Federal Bureau of Investigation (FBI) data, for example, roughly 334,000 juvenile arrests were made in 2003 for liquor law and illegal drug violations. During this same year, data from the National Survey on Drug Use and Health indicate that without taking into account the illegal use of drugs, 10.9 million 12- to 20-year-olds violated liquor laws.

Racial disparity exists in the arrest and formal case processing of juveniles for drug law violations, with the largest disparity observed between Caucasian and African American youth. Although the average juvenile arrested for violating liquor or illegal drug laws is a Caucasian 16- to 17-year-old male, African American youth have historically been formally processed at significantly higher rates. Some of this racial disparity appears systemic in nature. Caucasian youth are less likely to have their drug cases petitioned, be detained and incarcerated, and have their drug cases waived to adult court than youth of other races. In 2002, for example, FBI data indicate that 65% of African American juvenile drug cases were petitioned, compared to 55% of Caucasian juvenile drug cases. During this year, the proportion of African American youth detained for drug offenses was more than 2 times that of Caucasian youth (33% vs. 16%), and nearly 2 times that of youth of other races (17%).

Rebecca J. Boyd

See also At-Risk Youth; Drug Use; Juvenile Crime

Further Readings

Johnston, L. D., O'Malley, P. M., Bachman, J. G., & Schulenberg, J. E. (2006). *Monitoring the Future national survey results on drug use, 1975–2005: Vol. 1. Secondary school students*. Bethesda, MD: National Institute on Drug Abuse.

Snyder, H. N., & Sickmund, M. (2006). *Juvenile offenders and victims: 2006 national report*. Washington, DC: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention.

Du Bois, W. E. B. (1868–1963)

William Edward Burghardt Du Bois was one of the most prolific and profound social scientists of

the 20th century. Du Bois' writings on race have influenced scholars from across the social sciences, including political science, psychology, and economics. In recent years, prominent sociologists have recognized Du Bois' contributions as a founding father of American sociology. Over the past decade, scholars of race, crime, and justice have also acknowledged his significant contribution to American criminology.

Du Bois was raised by his mother in Great Barrington, Massachusetts. Like many of the few Black Americans who lived in the small and mostly immigrant mill town, Du Bois' mother worked as a domestic. Despite his mother's modest social position, Du Bois was regularly exposed to the ways of life of the town's well-to-do White citizens, some of whom took a special interest in the academic and social development of the young, intellectually advanced Du Bois. This somewhat bifurcated childhood experience marked by exposure to the elite, despite his skin color, and social proximity and distance from the immigrant mill worker, along with later racial encounters in university settings, informed Du Bois' early writing on the "double consciousness" that characterizes the social experience of Black Americans.

After graduating from high school in Great Barrington, and with the help of the elite White citizens of his hometown, Du Bois received a college scholarship to Fisk University, now a historically Black university in Nashville, Tennessee. Three years later, Du Bois received his B.A. from Fisk. He applied to Harvard University, which he had longed to attend as a boy, and was accepted to Harvard as a junior. He received a B.A. in philosophy from Harvard before continuing on to earn a Ph.D. During his period of graduate study, Du Bois spent 2 years in Germany, where he studied with a founding father of sociology, Max Weber (author of *The Protestant Ethic and the Spirit of Capitalism*, as well as many other works). After completing his dissertation, which was a well-respected and still-cited study of the suppression of the African slave trade, Du Bois directly encountered race prejudice from White colleges that refused to hire him for faculty positions. Du Bois was eventually offered an academic position at Wilberforce University, an all-Black school near Dayton, Ohio. Shortly thereafter, he was invited to conduct a social study of the Black community in Philadelphia, commissioned by the University of Pennsylvania.

Du Bois in Philadelphia

Du Bois offers his earliest substantial statement on the problem of crime in the African American community in "The Negro Criminal," which appeared as a chapter in *The Philadelphia Negro* (1899). From the beginning, Du Bois was aware that this commissioned study was inspired by the perceived problem of crime that originated—in the minds of the "better class of White citizens" in Philadelphia—in the city's African American population: "It was the fear of crime that commissioned this study.... Philadelphia had a theory that this rich municipality was gone to the dogs because of Negro crime" (Du Bois quoted in Anderson, 1996, p. xvi). Du Bois' analysis, which blended urban ethnography with social history, census data, and descriptive statistics, highlighted the complexity of the problem of crime in Philadelphia and challenged the popular pseudoscientific arguments of Italian physician and "founding father" of the positivist school of criminology, Cesare Lombroso, a creator of the "new science" of criminal anthropology.

Lombroso's theory that criminals were *born* and not made was widely circulated in the popular and scientific press during the late 19th and early 20th centuries in both Europe and the United States. In contrast, Du Bois recognized crime as a problem that was inherent in society: "Crime is a phenomenon of organized social life, and is the open rebellion of an individual against his social environment" (Du Bois, 1899/1996, p. 235). It was Du Bois' definition of what was problematic—not the Negro, per se, but the social context in which the Negro population of Philadelphia sought to make a life—that shaped his understanding of the problem of crime in Philadelphia. For Du Bois, crime was a social problem and not an immutable characteristic of an individual or a community. Such an assertion brought attention to the recursive relationship between an individual and his or her environment; to truly understand the problem of crime, Du Bois suggested, one had to shift one's attention from the individual context to the social

context. In light of the popularity of the racist pseudoscience of the time, this approach to understanding the problem of race and crime, which would become more popular with the rise of the Chicago school of sociology, was not only sociologically sophisticated but also remarkably progressive.

In contemporary terms, Du Bois' "The Negro Criminal" highlights the dialectical relationship between the individual and his or her structural circumstances that, in turn, reveals the culture of a particular place. Throughout his chapter, Du Bois shifts our attention from the "criminal" to those charged with performing acts of punishment; in these descriptions Du Bois repeatedly, though subtly, highlights the distorted lens of race prejudice through which his benefactors viewed the problem of Negro crime. Du Bois situated discussions of increases and decreases in crime within particular social-historical circumstances. While positivist criminologists of the time argued that the prisons were full of prisoners because of an increase in "born criminals," Du Bois offered an early argument for the use of incarceration as a mechanism of state control over problematic populations. For example, Du Bois connects what he described as the "worst period of Negro crime ever experienced in the city" (Du Bois 1899/1996, p. 238) to the disenfranchisement of the Negro in 1837, which was initiated, in part, by the actions of the White citizens of the city who were shaken by the Nat Turner slave revolt. Du Bois also introduces a discussion of how discrimination influences the complexion of the prison population.It is only after a serious consideration of the historical circumstances that Du Bois comes to consider the current problem of Negro crime in Philadelphia.

In his careful presentation of the social history of crime in Philadelphia, Du Bois repeatedly undermines assumptions underlying claims of a "Negro crime wave" and undermines the logic of biologically deterministic theories of race and crime. Du Bois' criminological perspective is bold not only in its inclusion of White citizens in fostering and overdramatizing the problem of Negro crime but also in its eventual accusation of the "moral weakness" of some segments of the Black community in Philadelphia. This strand of his early writing precedes the development of "subculture" analyses within American criminology.

Du Bois in Atlanta

After completing his field research on *The Philadelphia Negro*, Du Bois published a social study of Black Americans in northern cities. He also completed several studies for the Bureau of Labor Statistics. Each of these works highlighted how the problems encountered by African Americans were shaped by race and class. The failure of White Americans to allow for the full incorporation of African Americans into mainstream American life was repeatedly revealed as a barrier to the full economic and social development of African Americans. While Du Bois remained a stern critic of the moral deficiencies of certain "classes" of the Black population in the North and the South, these deficiencies did not fully explain the problem of crime in the Black community. Rather, Du Bois argued that crime was symptomatic of the Black American's inability to effectively adapt to the restricted freedom that followed the end of slavery; both White Americans and Black Americans shared the burden of responding to crime in responsible and ethical ways.

In 1898, Du Bois accepted a professorship at Atlanta University. Du Bois' contributions to the Atlanta school of sociological study, which predated the Chicago school, are revealed in the Atlanta University Studies, a series of research publications on race and American life, with a special emphasis on the participation of the Black American in family, civic, and economic life. Du Bois's writing and research on race and crime during this time echoed his findings in *The Philadelphia Negro*. Du Bois highlighted the moral failings and differing worldviews of White and Black Americans and how race prejudice restricted the full participation of Black Americans and validated feelings of alienation among some segments of the Black population, which ultimately encouraged a criminally involved class within the Black population.

In 1904, Du Bois published one of the earliest crime polls in American history. This statewide crime poll preceded the contemporary National Crime Survey and other general opinion polls conducted today. Du Bois surveyed police

chiefs, officials, and Black and White citizens, including hundreds of youth (ages 9–21) on perceptions of crime in the African American community. Du Bois' survey instrument included questions on the disproportionate representation of Black Americans in courts and on the chain gang.

Responses to Du Bois' survey revealed that a large number of citizens identified moral or cultural deficiencies such as "laziness" or "lack of home training" as reasons for Black Americans' representation in the criminal justice system of the day. It is likely that these perceptions reflected widely held stereotypes. Du Bois also solicited qualitative responses, which revealed racial differences in perceptions of fairness in the courts: Many Whites reported that Black people were treated fairly in the eyes of the court, whereas Black people generally reported that the courts did not treat them fairly at all. Du Bois' analysis also revealed that the demographic composition of a geographical area might influence public perceptions of crime. He found that in counties where the Black population approached equilibrium with the White population, more crime was charged to the Black population. This was true even when the facts disputed such perceptions. In this regard, Du Bois' poll was one of the first to highlight how public opinion can contradict official statistics, a phenomenon that remains a feature of contemporary public opinion polls on crime. Du Bois' writings on race and crime in the early 20th century also offered potential remedies that are consistent with policy recommendations from today's most prominent criminal justice experts and race scholars, with better employment at the top of the list shortly followed by educational and social development.

Du Bois' early writings on race and crime also linked the conditions of confinement to the economic conditions of the region. Du Bois' study of the convict lease system in the South, which preceded the rise and expansion of the penal institution, revealed an early Marxist analysis that is reflected in some contemporary writings on the prison-industrial complex. Du Bois argued that legislators of the Black Codes, which designated specific crimes for recently freed Blacks such as unemployment at the first of the year, and southern courts colluded to produce a secure and steady source of cheap labor after the collapse of slavery in the South. The large-scale leasing of Black convicts to pick cotton, cut plants for rubber production, and construct roads and railroads confined men and women to harsh sentences for menial crimes in inhumane conditions that were considered by some to be worse than slavery. Men and women who were leased out as convicts often died as a result of the conditions of their confinement. Du Bois' early writing on the convict lease system concluded that the system was "another form of slavery" (Gabbidon, 2001, p. 587).

Du Boisian Criminology

W. E. B. Du Bois died on August 27, 1963. His passing was announced to a crowd of 250,000 people who gathered in the nation's capital on August 28 for the historic March on Washington. Du Bois chose to meet his final days in Ghana rather than in an America that he once believed would do better by the Black American if the truth, based on facts and systematic study, were revealed. Du Bois left a substantial intellectual legacy for scholars from a variety of disciplines in the social sciences and the humanities. In 1910, Max Weber identified Du Bois as "the most important sociological scholar anywhere in the Southern States in America, with whom no scholar can compare" (Gabbidon, 2000, p. 167). Today, the most prominent sociologists recognize Du Bois as a founding father of American sociology. Du Bois' contribution to American criminological thought is also being resurrected. In doing so, scholars reveal Du Bois' prescience and pragmatism in his study of the problem of crime and the African American experience.

Du Bois' criminological perspective was informed largely by his understanding that in the minds of many people, the "Negro problem" was equivalent to the problem of crime. Consistent with his early belief that upper-class White citizens were thinking wrong about race, Du Bois set out to dispel the myths of Negro criminality, often bolstered by the biological determinism that characterized the popular pseudoscience of the time. Over a century since the publication of *The Philadelphia Negro*, Du Bois' scholarship

encourages us to turn away from the contemporary guises of biological determinism that are the legacies of Lombroso and other, less enlightened "founding fathers" of criminology. Embracing Du Bois as a founding father of American criminological thought will allow future criminologists to inherit a scholarship committed to the study of crime as a social problem and not a biological or genetic deficiency. As a sophisticated and committed social scientist, Du Bois set off on a course of rational and systematic study that the best social scientists of our time continue to follow.

Nikki Jones

See also Atlanta University School of Sociological Research; Biological Theories; Historically Black Colleges and Universities; Race Relations

Further Readings

Anderson, E. (1996). *Introduction*. In W. E. B. Du Bois, *The Philadelphia Negro: A social study* (Reprint ed., pp. ix–xxxvi). Philadelphia: University of Pennsylvania Press. (Original work published 1899)

Du Bois, W. E. B. (1996). *The Philadelphia Negro: A social study* (Reprint ed.). Philadelphia: University of Pennsylvania Press. (Original work published 1899)

Gabbidon, S. L. (2000). An early American crime poll by W. E. B. Du Bois. *Western Journal of Black Studies*, *24*(3), 167–174.

Gabbidon, S. L. (2001). W. E. B. Du Bois: Pioneering American criminologist. *Journal of Black Studies*, *31*(5), 581–599.

Gabbidon, S. L. (2007). *W. E. B. Du Bois on crime and justice: Laying the foundations of sociological criminology*. Burlington, VT: Ashgate.

Gabbidon, S. L., Greene, H. T., & Young, V. (2002). *African American classics in criminology & criminal justice*. Thousand Oaks, CA: Sage.

Lewis, D. L. (1993). *W. E. B. Du Bois: Biography of a race*. New York: Holt.

Lewis, D. L. (2000). *W. E. B. Du Bois: The fight for equality and the American century 1919–1963*. New York: Holt.

Wright, E., III. (2002). Why Black people tend to shout! An earnest attempt to explain the sociological negation of the Atlanta Sociological Laboratory despite its possible unpleasantness. *Sociological Spectrum*, *22*(3), 335–361.

Zuberi, T. (2004). W. E. B. Du Bois's sociology: *The Philadelphia Negro* and social science. *Annals of the American Academy of Political and Social Science*, *595*, 146–156.

Duke University Assault Case

In March 2006, a female exotic dancer accused members of the Duke University lacrosse team of rape and sodomy. Three players, all men, were quickly indicted on charges of rape, sexual offenses, and kidnapping. The case quickly gained national media attention, with particular interest paid to the race of the victim and the accused offenders: the alleged victim is Black and the accused men are White. In addition to the media, minority groups also took a vested interest in the case. This entry provides a brief review of the events that took place on the night the sexual assault allegedly occurred, the subsequent investigation and findings, and the final decision by North Carolina Attorney General to drop all charges against the men accused.

The woman accusing the Duke players of assault was a poor, Black, local single mother working at an escort service while attending the predominantly Black North Carolina Central University in Durham, North Carolina. The accused players were White Duke University students from middle- to upper-class families who attended private all-boys high schools in their home states. The NAACP took an instant interest in the case and many other groups came forward criticizing the off-field behavior of athletes at colleges and universities across the nation and called for an investigation into their conduct.

On the night of March 13, 2006, members of the Duke University lacrosse team held a party at an off-campus house in Durham, North Carolina. Two exotic dancers were booked by the party hosts for what they claimed was "a small bachelor party." When the dancers arrived, however, they found over 40 people in attendance; the vast majority were members of the Duke lacrosse team. Despite the large number of party attendees, they consented to perform. When the performance began, one dancer appeared to be unsteady on her feet and fell to the floor during the performance.

This is the same woman who would later allege that she was raped while at the party. During the performance, the women engaged in sexual banter with the party attendees but the performance ended abruptly when one of the attendees held up a broomstick and suggested that it be used as a sexual object for the dancers.

The dancers then retreated to the back of the house where they were followed by some of the party attendees who attempted to convince them to resume their performance. The women refused and shut themselves in the bathroom for a period of time. After emerging from the bathroom, the woman who alleged that she was sexually assaulted was photographed having difficulty walking steadily, talking incoherently to no one in particular, and lying in a prostrate position on the back porch. After observing these behaviors, a party attendee assisted the woman in walking from the back porch to the other dancer's car where he placed her in the front passenger seat. Before driving away, the other dancer yelled a sexually and racially motivated comment at a group of party attendees standing across the street. She then called 911 and reported that a group of White men were yelling racist comments at individuals passing by the party.

The woman then drove to a grocery store where she went inside and asked a security guard to notify the Durham Police Department that the other woman refused to get out of her car. When the police department arrived, the officer witnessed the accusing woman lying unconscious in the front seat of the car. After rousing her, the officer took her to a center that provided victim's services. It was here that the woman stated that she was raped; this was the first time that she had indicated to anyone that she had been the victim of sexual assault. After she was transported to the Duke University Medical Center, the woman recanted her statement that she had been sexually assaulted. A short time later, she changed her story again and restated that she had been raped. Three party attendees, Colin Finnerty, Reade Seligmann, and David Evans, who were all lacrosse players, were charged with the rape, as well as kidnapping. The players consistently proclaimed their innocence and had concrete evidence that placed them elsewhere when the woman alleged that the rape occurred.

The ensuing investigation was plagued with problems from the outset. The accusing woman constantly changed her story, contradicted herself, and was inconsistent in picking out her attackers from a line-up. The rape kit also detected traces of sperm from several men, none of whom was Finnerty, Seligmann, or Evans or even any of their teammates in attendance at the party that night. Other evidence, including ATM receipts, cell phone records, and restaurant receipts, indicated that Finnerty, Seligmann, and Evans were no longer at the party when the woman alleged that the rape occurred. Despite these inconsistencies, the District Attorney, Michael Nifong, did not drop the charges. Nifong also further complicated the already troubled case by making disparaging remarks to the media about the three defendants and deliberately participating in the withholding of exculpatory evidence from a DNA laboratory report. Nifong's strongest critics accused him of pursuing a fruitless case for political gain.

Nifong eventually dropped the rape charge against the three defendants in December 2006 as a result of the failure to match any DNA evidence obtained from the rape kit to any of the defendants. Although the rape charge was dropped, the defendants still faced charges of kidnapping and sexual offenses and were facing extensive prison sentences if they were convicted. Shortly after the rape charges were dropped, the North Carolina State Bar filed ethics violations charges against Nifong as a result of his conduct during the course of the case. As a result, Nifong asked to be removed from the case and the North Carolina Attorney General took over. Upon Nifong's removal from the case, the Attorney General's office conducted a new review of the evidence and completed an additional investigation into the charges and the allegations made by the woman.

The subsequent report compiled by the State Attorney General concluded that there was no credible evidence to support the allegation that the crimes occurred. Subsequent investigation also revealed additional weaknesses in the state's case. As a result, the State Attorney General's office dropped all charges against Finnerty, Seligmann, and Evans.

Carly M. Hilinski

See also Interracial Crime; Victimization, African American; Violence Against Women

Further Readings

Baydoun, N., & Good, S. M. (2007). *A rush to injustice: How power, prejudice, racism, and political correctness overshadowed truth and justice in the Duke lacrosse rape case*. Nashville, TN: Thomas Nelson.

Taylor, S., & Johnson, K. C. (2007). *Until proven innocent: Political correctness and the shameful injustices of the Duke lacrosse rape case*. New York: Thomas Dunne Books.

Yeager, D., & Pressler, M. (2007). *It's not about the truth: The untold story of the Duke lacrosse rape case and the lives it shattered*. New York: Threshold Editions.

Dyer Bill

The Dyer bill, proposed in 1918 by Congressman Leonidas Dyer of Missouri, was the first major attempt by Congress to eliminate the practice of lynching. The purpose of the bill was to hold state and local governments accountable for their support of intimidation against Blacks, including lynching, which largely went unpunished by l aw enforcement officials during the post–Reconstruction era in the South. This entry examines the history and context surrounding the pioneering bill.

Historical Context of Dyer Bill

In 1922, the U.S. House of Representatives passed the Dyer bill. Due to a filibuster by mostly White southerners, the bill was defeated in the U.S. Senate. Some critics of the Dyer bill argued that the legislation would interfere with states' rights. Although the Dyer bill failed to pass Congress, it was a major political achievement that laid the foundation for future antilynching legislation. For example, the Costigan-Wagner antilynching bill proposed in 1935 garnered support from many members of Congress, but the support was insufficient to defeat the opposition of southern senators. However, the Costigan-Wagner bill was another historical moment that brought attention to the practice of lynching and failure of law enforcement officials to punish those who initiated it.

Lynching, although not limited to the South, was highly concentrated in southern states. Statistics indicate that between 1882 and 1968, lynching occurred most often in Mississippi, Georgia, and Texas. Lynching was primarily a response used by southern Whites to express their dissatisfaction with the outcome of the Civil War, which many Whites believed had led to too much freedom for African Americans. However, lynching was a common occurrence across the United States. In Nebraska, for example, William Brown was beaten unconscious, dragged by an automobile, and burned for allegedly robbing a White man. States where lynching was reported not to have occurred during that time period include Alaska, Rhode Island, New Hampshire, Massachusetts, and Connecticut. False criminal charges, such as alleged rapes or whistling at a White woman, were common tactics used by police to promote lynching. Some African Americans were lynched simply because of the color of their skin. Although to a much lesser extent, Whites were also lynched. Generally, the lynching of Whites occurred in western states, where they were suspected of murder or stealing cattle. Consequently, the extent and circumstances by which African Americans and Whites were the victims of lynching were very different.

On a daily basis, African Americans were the direct targets of violence and intimidation at the hands of Whites. Lynching was embedded throughout American culture, and it is documented that more than 4,700 African Americans were lynched. Although estimates vary, figures from Tuskegee Institute and the records of National Association for the Advancement of Colored People (NAACP) director Walter White indicate that nearly 5,000 lynchings occurred in the United States between 1882 and 1927, and about two thirds of the victims were young Black men. Lynching took many forms, ranging from hanging to dismembering the victim's body. Public announcements were often issued about the time and location of a scheduled lynching. Public squares and parks were prime

locations for lynching. It was common practice for families to watch and cheer, as if they were spectators attending their favorite sporting event. Memorabilia, including pictures, postcards, fingers, toes, and other body parts belonging to lynching victims, were often preserved to commemorate a lynching, while also serving as a method of intimidation against African Americans.

To hold on to their economic and political power, White supremacy groups were formed to circumvent the freedoms that African Americans gained after the Civil War. Supremacy groups, such as the Ku Klux Klan, used lynching and various other forms of intimidation to strip away the rights and dignity of African Americans. Lynching was a threat to all African Americans, even pregnant women and persons who were disabled or mentally ill. Due to inadequate historical records, we may never have a true account of all who fell to their demise under the practice of lynching.

The NAACP, founded in 1909, became a major force behind the antilynching campaign and deemed it the organization's most pressing priority in 1916. The organization centered its platform on vigorously awakening America's consciousness to the prevalence of lynching and supporting the Dyer bill.

Women also figured prominently in the efforts to change the social climate of African Americans. For example, militant Black women such as Ida B. Wells-Barnett, a journalist, put pen to paper to highlight the indignities that African Americans endured. In the 1890s, Wells-Barnett's *Red Record* (a statistical report on lynching) and her book *On Lynching* were a few of the many publications used to raise awareness about the treatment of African Americans. By 1922, African American women assumed positions of leadership in the NAACP and entered the antilynching crusade. Led by Mary Talbert, these courageous women called themselves the Anti-Lynching Crusaders, whose slogan was "A Million Women United to Stop Lynching." The Crusaders set forth an agenda that included three major areas: fundraising, awareness, and promoting legislation to eradicate lynching. They traveled for miles giving speeches to drum up support for Dyer's antilynching bill. To support their fundraising efforts, the Crusaders attempted to recruit 1 million women to donate $1 each to the NAACP in support of their antilynching campaign. Talbert understood that in order for the Crusaders to meet their fundraising goal, they had to garner the support of all women, not just African American women. Therefore, Talbert's strategy was to seek the financial support of White women and recruit them to advocate for ending lynching. However, their invitations to encourage White women to join in their crusade to end lynching were not welcomed. Although the Crusaders' efforts did not lead to legislative reform or significant financial gains to support the movement, their awareness campaign gained international attention when Ida B. Wells visited Great Britain in 1893 and 1894. These international visits were highlighted in a series of articles that Wells published in a Chicago newspaper, which ignited international pressure to end lynching.

As the United States entered World War II, racist attitudes continued to flourish. African American soldiers had hoped that their patriotic service in the war effort would help elevate their social status and help them achieve their dream of greater equality. While serving in the military, African American soldiers were kept in the lowest ranks, received inferior equipment, and continued to face persistent violence and racism. Once the war was over, soldiers returned home to intensifying hostility and violence, including lynching. Whites continued to design ways to maintain racial divides, thus further solidifying their economic and political control.

Responses in the 21st Century

Today, race relations in the United States have improved. The healing process for all Americans, particularly African Americans, is a long and complicated journey. It is apparent that no action can right the wrong endured by African Americans under the practice of lynching. As a result, debates continue surrounding the role, if any, the government should play in acknowledging past atrocities. In 2005, an antilynching resolution was introduced into the U.S. Senate apologizing to victims of lynching for the Senate's historical and consistent failure to outlaw lynching. Republican

Senator George Allen of Virginia, who instituted Confederate History Month during his tenure as governor, was one of the cosponsors of the resolution. Although the antilynching resolution of 2005 passed in the Senate, it did not receive unanimous support.

Jacqueline Smith-Mason

See also Ku Klux Klan; Lynching; National Association for the Advancement of Colored People (NAACP); Rosewood, Florida, Race Riot of 1923; Till, Emmett

Further Readings

Ginzburg, R. (1988). *100 years of lynching*. Baltimore: Black Classic Press.

Hixson, W. B., Jr. (1969). Moorefield Storey and the defense of the Dyer anti-lynching bill. *New England Quarterly*, *42*, 65–81.

Hogan, D. J. (Ed.). (2003). *Civil rights chronicle: The African-American struggle for freedom*. Lincolnwood, IL: Legacy Publishing.

Zangrando, R. (1980). *The NAACP crusade against lynching, 1909–1950*. Philadelphia: Temple University Press.

Elaine Massacre of 1919 (Phillips County, Arkansas)

The year 1919 was marked by race riots in cities across the United States, including Chicago, Washington, D.C., and Omaha. The deadliest incident occurred in rural Phillips County, Arkansas, that autumn. This entry analyzes the underlying causes of the violence; provides a chronology of the riot itself; describes the biased character of the official response, which resulted in the conviction of innocent African Americans; recounts how civil rights groups sought redress; and identifies legacies of the conflict.

Causes

Like many of the riots elsewhere, the violence in Phillips County erupted against a backdrop of labor strife, growing African American militancy, and elite fears of leftist radicalism. But the vast scale of the bloodshed was an outgrowth of the repressive nature of plantation agriculture in the Jim Crow South.

Landownership in the Arkansas Delta was highly concentrated among a small number of White plantation owners. Their workforce consisted largely of Black sharecroppers who were entitled to a portion of the cotton harvest as compensation for their labors. The sharecropping system was rife with abuse. Croppers often received less than market price for their cotton because they were forced to rely on the planters as middlemen. In addition, planters frequently delayed payment or reneged on their obligations altogether. Blacks who dared question such practices risked bodily harm, for which planters and their agents were rarely punished.

In the spring of 1919, Black sharecroppers in Phillips County formed branches of the Progressive Farmers and Household Union of America (PFHUA), hoping to improve their lot through mutual aid and collective action. Several developments influenced their decision to organize. Inflated cotton prices at the end of World War I enabled some sharecroppers to purchase plots of land and raised others' aspirations for greater economic independence. Many PFHUA members had recently been released from military service, and their experiences outside the Deep South fighting to "make the world safe for democracy" may have emboldened them to challenge injustice at home. The *Chicago Defender*, which circulated widely in Phillips County, reinforced such sentiments with stories of Black upward mobility, sharp criticism of conditions in the South, and sympathetic coverage of labor union struggles.

Fear of leftist agitation was widespread among business owners in the aftermath of the Russian Revolution, and the strike wave that swept the United States after the war contributed to their unease. Local newspapers warned that the Industrial Workers of the World had its sights set on Arkansas. Although it is unclear whether the "Wobblies" had any support in Phillips County, planters took the threat seriously.

The Riot

On the evening of September 30, members of the fledgling PFHUA met in a remote church in Hoop Spur to discuss hiring a sympathetic White attorney to help them sue their employers. Spies fired shots into the church, and union members fired back, killing a White man. Over the next several hours, hysteria swept the White population of Phillips County as rumors of a Black insurrection spread.

Early the next morning, local authorities deputized hundreds of White men to put down the "uprising." Planters organized private posses, and the American Legion mobilized armed units from nearby counties, including several in Mississippi and Tennessee. Over the course of the day, Whites rampaged through homes and combed the countryside in search of suspected PFHUA members, terrorizing the African American population of Phillips County. Eyewitnesses recalled that in Elaine, the putative epicenter of the alleged insurrection, Black corpses were dragged through the streets, their toes and ears removed as souvenirs. White snipers indiscriminately shot at Blacks from moving cars and trains. Fearing for their lives, many Blacks hid in thickets, while others, including PFHUA organizer Robert Hill, fled the state. Some fought back, though they were heavily outgunned.

On October 2, Governor Charles Brough personally escorted a detachment of 583 federal troops to Phillips County. Colonel Isaac Jenks ordered White vigilantes to disarm and announced that Blacks who refused to surrender their weapons would be shot. The posses were soon dispersed, and Brough departed on October 4, confident that the situation was under control. However, anecdotal evidence suggests that groups of soldiers continued to brutalize Blacks during the ensuing military occupation of the county. A prominent landlord later recalled watching soldiers shoot one sharecropper in the back and burn another alive.

By the time the violence had finally subsided, five Whites and many more African Americans lay dead. Although the exact number of Black fatalities is unknown, it is clear that the official count of 20 was a gross underestimation. Contemporary scholarship suggests that over 75 African Americans were killed, possibly 200 or more.

Prosecution of African Americans

Though none of the White rioters was apprehended, several hundred Blacks were detained. An all-White "Committee of Seven," composed of local officials and businessmen, oversaw interrogations in the Helena jail, where many prisoners were tortured with chemicals and electricity until they signed false confessions. A total of 122 Blacks were indicted, 73 on charges of murder.

When trials began in early November, mobs of angry Whites ringed the Phillips County courthouse. The defendants were represented by court-appointed attorneys, who did little to prevent the railroading of their clients. Counsel failed to request a continuance or change of venue; did not contest the selection of all-White juries; and generally refrained from calling defense witnesses. Jurors returned guilty verdicts after just minutes of deliberation. In the end, 12 men were sentenced to death, and 67 others received prison terms ranging from 1 to 21 years.

Campaign for Justice

Owing to the courageous on-the-scene reporting of antilynching crusader Ida B. Wells and Walter White from the National Association for the Advancement of Colored People (NAACP), African American newspapers and the independent press debunked the myth of a sharecropper insurrection and exposed the trials as miscarriages of justice. Arkansas activists and the national NAACP launched a defense campaign on behalf of the condemned men, who came to be known as the "Elaine 12": Alf Banks, Jr., Ed Coleman, Joe Fox, Albert Giles, Paul Hall, Ed Hicks, Frank Hicks, Joe Knox, John Martin, Frank Moore, Ed Ware, and Will Wordlow. Protest meetings were held, and donations were solicited to defray legal costs. Scipio Jones, who rose from a childhood in slavery to become Arkansas' most respected Black attorney, anchored the new defense team. White lawyer U. S. Bratton, whose willingness to collaborate with the PFHUA almost got him and his son lynched during the riots, also played a key role in the defense effort.

A major breakthrough occurred in 1921, when two White prosecution witnesses, H. F. Smiddy and T. K. Jones, admitted that they had personally

tortured suspects to obtain confessions. In 1923, the U.S. Supreme Court set aside the convictions of six defendants on the grounds that a mob atmosphere pervaded their original trials. The Supreme Court's ruling in *Moore v. Dempsey* established an important precedent, strengthening federal habeas corpus rights. Though it would take another 2 years of legal maneuvering to secure the release of the Elaine 12, by early 1925 all of the Phillips County riot defendants were free.

Legacies

The victory was a major boon to the NAACP and raised the stature of Walter White, who went on to become NAACP executive secretary. For his part, Scipio Jones spent the next 2 decades fighting attempts by White Republicans to purge Blacks from leadership roles in the Arkansas GOP. Planter E. M. Allen, who headed the Committee of Seven, and John Miller, the prosecutor in the original trials, were subsequently elected to the U.S. Congress.

Though the PFHUA was crushed, Black sharecroppers in Phillips County continued to seek collective solutions to their plight. During the 1920s, some joined Marcus Garvey's back-to-Africa movement. In 1934, two veterans of the PFHUA helped found the interracial Southern Tenant Farmers Union, which succeeded in pressuring the federal government to intervene on behalf of poor farmers.

Matthew F. Nichter

See also Moore v. Dempsey; Race Riots

Further Readings

Cortner, R. (1988). *A mob intent on death: The NAACP and the Arkansas riot cases*. Middletown, CT: Wesleyan University Press.

Stockley, G. (2001). *Blood in their eyes: The Elaine race massacres of 1919*. Fayetteville: University of Arkansas Press.

Taylor, K. (1999). "We have just begun": Black organizing and White response in the Arkansas Delta, 1919. *Arkansas Historical Quarterly*, *58*, 264–284.

Whayne, J. (2001). Low villains and wickedness in high places: Race and class in the Elaine riots. *Arkansas Review: A Journal of Delta Studies*, *32*, 102–118.

Woodruff, N. (2003). *American Congo: The African American freedom struggle in the Delta*. Cambridge, MA: Harvard University Press.

Elder Abuse

Elder abuse is a serious public problem. According to the National Center for Victims of Crime, 20% of people over 50 years of age in the United States have experienced crime since reaching age 50. Elder abuse occurs not only among those living either alone or with families but also in nursing home and assisted living settings. Abuse of the elderly is grounded in the same realities as abuse of any other age group—power and control. For older people, power and control become serious issues when those preying upon the elderly see them as easy targets. Frequently, public safety issues impacting the elderly go unnoticed by the general population until there is a significant incident drawing public attention.

There is a lack of significant scholarship on the subject of elder abuse, although fortunately more attention is being placed on this issue—perhaps because seniors are one of the fastest-growing demographic groups within the United States. Even though research scholarship on elder abuse has not been a priority historically, for professionals working with elder abuse, the term *abuse* is often used as part of the larger construct of "abuse, neglect, or exploitation" (ANE). Often, race plays an important role as a variable that is either discounted or factored in on the basis of societal stereotypes. This entry reviews the types of elder abuse, identifies ways in which racial differences impact such abuse, and describes resources for addressing it.

Types of Elder Abuse

There are several types of elder ANE. One type is neglect by a caregiver; this is the refusal or failure to provide essential needs (e.g., food or assistance with finances). A second type of ANE is self-neglect, which is an adult's inability due to physical or mental impairment or capacity to take care of him- or herself. Because of stereotypes about

the aging, those who are uninformed about elder ANE may assume that most elder problems are instances of self-neglect. A third ANE type is financial exploitation, which refers to improper, illegal, or unauthorized use of assets or property for benefit of the perpetrator. A fourth type of ANE, physical abuse, is the most visible form of abuse. It involves restrictive or intrusive behavior intended to effect power or control over another. Those outside of the professional ranks of elder care often may fail to consider the improper use of medication in order to control behavior and/or confine the elderly. A common stereotype is that seniors need to be medicated to keep them from "being a nuisance." A fifth ANE type is sexual abuse, which is any unwanted or illegal sexual act on another. Both society and seniors themselves may accept the stereotype that seniors are not viable targets of sexual abuse. Sexual assault of seniors may be intended to instill fear and a sense of powerlessness and to carry out a further goal of enabling the perpetrator to gain access to the victim's house, car, or financial resources.

Elder Abuse and Race

Research and other information on elder abuse and race are limited for several reasons. First, there is not enough interest in this topic among criminologists. Second, elder abuse is difficult to uncover because of the underreporting of what many view as a private matter. Third, victims may be reluctant to report abuse to police and social service agencies. The effect, if any, of race and institutional racism on ANE of the elderly is impacted by both historical inequities associated with education and the lack of access to information about care for the elderly. Anthropologists and geneticists have made clear that "race" is a social (rather than biological) construct; thus, notions that ANE of elderly is connected with racial propensities to either inflict or receive ANE are questionable. Any discussion of race and elder ANE must recognize that cultural norms play a role in how communities and individuals perceive this issue. Historically, lack of awareness of financial matters is tied to cumulative disadvantage and lower rates of disposable income. Often this means that financial aspects of ANE are not openly discussed. It is important to avoid generalizing about race and elder abuse. Practitioners involved with ANE must consider racial realities for majority and minority elderly, taking into account historical legacies, cultural norms, and differences along racial lines of existing resources.

Resources for Addressing ANE

Many practitioners consider the resources available to address ANE of the elderly to be less than adequate or even virtually nonexistent. From a policy perspective, one problem with regard to elder ANE is that in many U.S. jurisdictions, even at the federal level, resources are allocated largely within a public health framework. In contrast, significant efforts to address child ANE exist primarily within a law enforcement framework. The lack of official focus on elder abuse as a law enforcement issue leads to significant disparities with respect to funding, personnel, and, in many cases, authority to address ANE. This is not to imply that child ANE has sufficient resources, merely that elder ANE receives significantly less.

Advocacy groups play an important role in addressing elder ANE, specifically groups involved with aging, disabilities, and health. For instance, disability-related conferences often have some material dedicated to elder ANE. Several universities, especially some law schools, have made significant efforts to address elder law and educate the public and practitioners about the salience of elder ANE. More effort is needed to educate seniors and to foster a culture of interest with respect to elder ANE. Some efforts toward this end have been made at the undergraduate level. For example, the Senior Justice Center at the University of Arkansas in Little Rock uses undergraduate student interns to directly address elder ANE via education and conducts research to address perceptions on elder crime generally. Recent preliminary findings from 1 year of survey data collection indicate that in counties with largely different racial demographics, perceptions about elder ANE and resources to address elder ANE are different.

U.S. Census data indicate that demographic trends for the next 15 years will significantly increase the proportion of seniors, thus elder ANE

will likely increase rather than decrease and the issue of resources to address elder needs, including ANE, will likely be impacted by resources allocated to this growing population. Campbell (1996) predicts that by the year 2025, the percentage of elderly Americans will double. According to this same source, specifically in ranked order, the Asian American population is growing the fastest, followed by the Hispanic/Latino population, American Indian population, African American/Black population, and European American/White population. The allocation of resources to address elder ANE will need to take account of these trends.

The complexity of technology in the 21st century makes some forms of abuse easier to carry out. For example, online banking may contribute to some forms of check fraud by a caregiver. Many adult protective services agencies nationally rely on tips from concerned neighbors and friends to identify elder ANE on the part of family members. Adding racial realities to this equation further compounds the importance of making elder ANE more of a societal priority. Finally, the list of mandated reporters who are legally required to report suspected elder ANE (e.g., bank tellers and nurses) is literally increasing each year in many jurisdictions. This valuable tool in the law helps provide needed attention by professionals who are directly involved with seniors or those who need to interact with the reporters in order to carry out elder ANE (e.g., unusual bank transactions). Everyone in society should participate in addressing elder ANE, and appropriate consideration of race is important in properly addressing this societal problem.

David R. Montague and Patricia Wilkerson

See also Domestic Violence; Domestic Violence, African Americans; Domestic Violence Latina/o/s; Domestic Violence, Native Americans; Institutional Racism

Further Readings

Arkansas Senior Citizen Crime Survey: Preliminary findings report. (2007, Fall). Little Rock: University of Arkansas, Senior Justice Center.

Arkansas 2020: The changing demographics and challenges facing Arkansas' state government in 2020. (2006). Little Rock: University of Arkansas, Senior Justice Center.

Brown, E. (2000). *Elder mistreatment in the African American community*. Unpublished manuscript, University of Michigan. Retrieved July 14, 2008, from http://www.rcgd.isr.umich.edu/prba/perspectives/springsummer2000/ebrown.pdf

Campbell, P. R. (1996). *Population projections for states by age, sex, race, and Hispanic origin: 1995 to 2025* (Report No. PPL-47). Washington, DC: U.S. Bureau of the Census, Population Division.

Dimah, A., & Dimah, K. P. (2002). Gender differences among abused older African Americans and African American abusers in an elder abuse provider agency. *Journal of Black Studies*, *32*(5), 557–573.

Kertzer, D. (1984). *Age and anthropological theory*. Ithaca, NY: Cornell University Press.

McNamee, C. C., & Murphy, M. B. (2006, November). Elder abuse in the United States. *NIJ Journal* 255. Retrieved from http://www.ojp.usdoj.gov/nij/journals/255/elder_abuse.html

National Center on Elder Abuse. (1998, September). *National Elder Abuse Incidence Study, Final Report*. Retrieved from http://www.aoa.gov/eldfam/Elder_Rights/Elder_Abuse/AbuseReport_Full.pdf

National Clearinghouse on Abuse in Later Life, Wisconsin Coalition Against Domestic Violence. (2006). *Abuse in later life wheel*. Retrieved from http://dhs.wisconsin.gov/caregiver/pdfscenarios/barb_abuse.pdf

Rogerson, P. A. (1998, January). The geography of elderly minority populations in the United States. *International Journal of Geographical Information Science*, *12*(7), 687–698.

Websites

National Center for Victims of Crime: http://www.ncvc.org

Environmental Crime

Environmental crime has been described as consisting of acts that cause harm to the natural environment, typically involving the handling of hazardous wastes and the contamination of the air and water. Environmental crime is important to the topic of race and crime because its occurrence affects low-income groups and people of color at a far greater rate than more-affluent White groups. However, defining environmental crime has been rather difficult because of the fluctuating nature of

how environmental crimes are characterized and the fact that environmental laws are relatively recent creations that are constantly being reevaluated and modified. The most immediate events that come to mind when most think of environmental crime are incidents such as the Love Canal toxic waste disaster, the Three Mile Island nuclear power plant radiation leak, and the Exxon *Valdez* oil spill. However, the emerging concern of environmental justice has to do with the disproportionate burden that poor and minority groups bear when it comes to environmental hazards. This entry discusses the perception of environmental crime; its disproportionate effect on poor and minority groups; and the attempts, through laws and other efforts, to prevent it.

Most crimes are perceived by society as violent crimes that involve direct and immediate physical acts such as rape, robbery, and murder. As such, this perception has not afforded much room for environmental crimes, whose elements evolve at a much slower and more inconspicuous pace. For example, the health effects of a polluted environment may take years to surface and a link to the environment may not be readily apparent, whereas the harm from violent crimes is immediate. Also, environmental crimes are often perceived as lesser crimes because many take place during the course of otherwise beneficial activities. For example, a coal plant may emit tons of pollution while producing energy that keeps thousands of households running. Furthermore, environmental crimes differ in that they are typically committed by the most socially and economically powerful, which goes against the common notion of crimes being committed by the poor and underprivileged. Environmental crimes are often tolerated up until a certain point; therefore, striking a balance between what is beneficial to society and what is harmful is a difficult undertaking. Lastly, environmental crimes are often thought of in the same context as corporate and white-collar crimes. There is often no one particular person at whom to point the finger, as environmental crimes stem from organizations or entities rather than individuals. Pollution of the environment by corporations has been suggested as the most common form of environmental crime. Crimes such as illegal dumping into rivers and lakes in violation of the Clean Water Act, or nighttime air emissions that violate the Clean Air Act, are common violations committed by corporations either for profit or out of ignorance of the resulting harm.

It has also been recognized that many environmental crimes take place in poor or minority communities. Early environmental groups, such as the National Wildlife Federation and Friends of the Earth, were mostly concerned with preserving the wilderness; however, local grassroots organizations eventually emerged to deal with environmental hazards in poor and minority neighborhoods. Public attitudes toward environmental crimes began to shift away from viewing environmental crimes as the cost of doing business and toward viewing them as crimes against humanity. From a legal standpoint, environmental crimes are defined in terms of certain statutory definitions, but many others analyze environmental concerns from a more social approach. Social justice advocates believe that environmental hazards should be distributed in such a way so that no one group should bear the burden of environmental health threats. A 1987 study by the Commission for Racial Justice found that of the five largest hazardous waste facilities located in the United States, three were sited in low-income, African American communities. It further found that three out of every five African Americans and Latinos lived near uncontrolled toxic waste sites.

Many environmental justice issues emerged around so-called locally unwanted land uses (LULUs) that frequently affected poorer communities without the resources or voice found in wealthy communities needed to stave off LULUs. As a result, hazardous polluting facilities are disproportionately located near low-income minority neighborhoods. Many activists have gone so far as to characterize this phenomenon as "environmental racism" because of the interwoven role that race and class play in LULUs. Factors such as the distribution of wealth, housing and real estate practices, and land use planning have been blamed for environmental inequities that place minorities at a greater health risk than the rest of society. However, attempts to rectify environmental slights against poor minorities have not been made easy in the courts. A 1979 environmental lawsuit filed in Houston, Texas, attempted to show a pattern of racially discriminatory siting decisions. This suit, *Bean v. Southwestern Waste Management*

Corporation, alleged that the siting of a hazardous waste facility in a largely African American community was a violation of civil rights on equal protection grounds. The suit was eventually unsuccessful but, more importantly, it highlighted the difficulty of proving racial discrimination using a constitutional argument. Given this difficulty, many activists turned to alternative approaches using statutory law.

The Environmental Protection Agency (EPA) regularly works with state regulatory agencies to enforce environmental laws. State agencies must adopt federal environmental protection standards, although the state may impose much stricter standards. This has, however, led to huge variations among states' enforcement practices. Many environmental interest groups complain that weak and limited enforcement of environmental laws contributes to continued pollution and impunity for the offenders. Despite this, there has been a tremendous growth in environmental legislation over the past 40 years. Legislation designed to protect public health and safety, such as the Safe Drinking Water Act and the Community Right to Know Act, requires EPA to limit contaminants in public water systems and to disclose releases of specific chemicals by chemical and refinery companies. Additionally, the National Environmental Policy Act offers mechanisms to challenge official decisions. Title VI of the 1964 Civil Rights Act has also been used to deny federal monies to states that take part in environmental decisions that have discriminatory effects. During the Clinton administration, EPA announced that Title VI applied to environmental policies, which has led to investigations concerning the controversial placement of hazardous waste facilities in poor or minority neighborhoods. The term *environmental equity* has been adopted by EPA in an attempt to distribute environmental risks over various populations.

Today, a majority of environmental statutes have penalties attached for violating them. Most environmental statutes contain two criminal categories: strict liability and "knowing" violations. Strict liability crimes require only that a violation occur without regard to the intention of the wrongdoer, whereas "knowing" violations require that the wrongdoer have intention of committing the wrong. Individuals and corporations convicted of environmental crimes face various penalties: monetary criminal fines; payments to government agencies or affected parties; nonmonetary penalties, such as corporate probation, suspension, or debarment from government contract; and jail sentences for individuals.

Environmental crime continues to be a serious public health problem that threatens the well-being of millions of Americans every day. The current focus of policymakers and industries is to seek ways to protect the environment by guiding economic growth in an environmentally sound manner. Although environmental laws are continuously evolving, there are laws at both state and federal levels designed to curb violations and strike a balance between industry needs, health risks, and environmental equity.

Tracy S. Penn

See also Environmental Racism

Further Readings

Burns, R. G., & Lynch, M. J. (2004). *Environmental crime: A sourcebook*. New York: LFB Scholarly.

Camacho, D. (Ed.). (1998). *Environmental injustices, political struggles: Race, class and the environment*. Durham, NC: Duke University Press.

Clifford, M. (1998). *Environmental crime: Enforcement, policy, and social responsibility*. Gaithersburg, MD: Aspen.

Environmental Racism

The term *environmental racism* has been defined in several ways. The definitional variations of this term are subtle and involve difference between related concepts (e.g., environmental justice, equity, and discrimination). More important than these terminological variations are the main ideas expressed by this term, its history and use. This entry not only defines the term but also reveals how environmental racism and the disproportionate exposure of racial and ethnic minorities to hazardous materials and conditions have serious implications for the health and well-being of such communities.

Defining Environmental Racism

Environmental racism can be defined as a form of differential treatment affecting minorities (who are often also low-income groups) in ways that produce environmental disadvantages. These disadvantages include (a) differentials in exposure to a variety of environmental hazards, such as air, water, and soil pollution, hazardous waste facilities, and toxic waste sites; (b) the unequal placement or siting of hazardous waste or toxic waste facilities in minority communities; (c) unequal detrimental health impacts associated with exposure or proximity to pollution-producing or hazardous waste sites and facilities; (d) inequity in government responses toward the dangers, hazards, and conditions posed by pollution and hazardous waste sites in minority communities; (e) the distribution of, or access to, environmental advantages such as parks and recreational areas as well as aspects of the urban environment, including public transportation; and (f) inequities in the design and implementation of environmental laws, regulations, and responses. The goal of environmental racism research is to expose the relationship between race (and often ethnicity and social class) and environmental inequities that focus on the intersection of "race, space and place" (Bullard, 2007) in an effort to generate awareness of these discrepancies and public policies designed to alleviate these conditions.

Environmental Racism and the Environmental Justice Movement

The term *environmental racism* emerged from the environmental justice movement, which is linked to three key events that occurred during the 1980s. The first study of environmental justice, performed by Robert Bullard during the late 1970s, examined the relationship between the distribution of solid waste facilities in Houston and the spatial proximity of those sites to Black communities. Bullard, a leading scholar and activist in this area and often referred to as "the father" of the environmental justice movement, was also instrumental in writing Executive Order 12898 on environmental justice ("Federal Actions to Address Environmental Justice in Minority Population and Low-Income Populations"), issued in 1994 under the Clinton administration.

Another important development in the history of this term was the emergence of the first environmental justice protest in Warren County, North Carolina, in 1982. Local residents from a primarily African American, low-income community challenged the placement of a state PCB (polychlorinated biphenyl) landfill within its boundaries. This event, which included the arrest of 500 protestors, led to the first governmental study of environmental justice by the Government Accounting Office, which exposed a pattern of inequitable hazardous waste facility siting. This study was followed by a national report on these issues by the United Church of Christ, which established the basic elements for the definition of environmental racism.

There are two broad approaches taken to the study of environmental racism: the institutional model and the pure discrimination model. The primary difference between these two approaches for defining environmental racism rests on the recognition of intent. In the institutional model, the key indicator of environmental racism is evidence of disparity or disproportionate outcomes rather than intent. In this view, evidence of racial disparity in the distribution of, or proximity to, hazardous waste sites or pollution-emitting facilities, or in the implementation or enforcement of environmental policies, serves as evidence of environmental racism. This approach is associated with the work of Bullard.

In the pure discrimination model, the intent of the actors who create a hazard or inequity is key to determining the existence or nonexistence of environmental racism and therefore requires that the actor's intent be examined before environmental racism can be established. This definition is derived from legal principles related to legal challenges to remedy alleged instances of environmental racism under the U.S. Constitution's Equal Protection Clause or Title VI of the Civil Rights Act.

Environmental Racism Research

The research addressing environmental racism is difficult to summarize succinctly. The results of environmental equity, discrimination, and justice research (e.g., proximity to hazardous waste

facilities, the siting of hazardous waste facilities, patterns of exposure to toxic or hazardous waste) often depend on five factors: (1) the types of facilities examined; (2) the types of toxic hazards examined; (3) region of the country examined; (4) the inclusion or exclusion of social class indicators, which are highly correlated with race; and (5) the level of analysis (census tracts, zip codes, block groups, radial buffer zones, or distance measures; see Liu, 2001). Despite the potential impact of these factors, the majority of studies indicate the existence of significant racial effects. Yet, it should be kept in mind when examining this research that the correlation between race and social class is sometimes difficult to disentangle and can lead to both the under- or overestimation of race effects depending on the methodological approaches employed in individual studies (Liu, 2001).

The few studies that employ elementary schools as the basis for analysis, for example, find significant evidence of racial disparities related to proximity to hazardous waste sites, the siting of hazardous waste facilities, and exposure to and deleterious impacts from air pollution. Studies of exposure to cancer-producing toxins have also demonstrated strong racial associations that support a finding of environmental racism. Prior research also indicates racial disparities in proximity to hazardous waste treatment, storage, and disposal facilities; Superfund sites, and in relationship to penalties imposed by the Environmental Protection Agency. In a recent study, Mohai and Saha (2006) indicate that the use of advanced methods for modeling distance relationships can help clarify conflicting findings. Indeed, these researchers discovered that using various buffer zone measures rather than census track, zip code, or traditional hazard-coincidence approaches increased the strength of race associations.

Conclusion

In sum, environmental racism is an important concern. This issue has been largely absent from criminological discussions of crime and justice. Yet, environmental racism has numerous criminological implications. For example, environmental racism is a means of measuring the extent of racial biases in the processing of regulatory infractions and can be related to issues pertinent to the study of racial biases in justice mechanisms. In addition, the uneven distribution of environmental harms is not simply a matter of justice: Exposure to environmental toxins may also impact behavior and may be an important element in explaining the distribution of crime or even racial differences in crime across communities. The issue of environmental racism has only recently been addressed by criminologists, and further attention to this issue appears warranted based on research findings from other disciplines.

Michael J. Lynch

Further Readings

Been, V. (1994). Locally undesirable land uses in minority neighborhoods: Disproportionate siting or market dynamics? *Yale Law Journal, 103*(6), 1383–1422.

Bullard, R. D. (1983). Solid waste sites and the Houston Black community. *Sociological Inquiry, 53,* 273–288.

Bullard, R. D. (Ed.). (2007). *Growing smarter: Achieving livable communities, environmental justice and regional equity*. Atlanta, GA: Environmental Justice Resource Center.

Government Accounting Office. (1983, June 1). *Siting of hazardous waste landfills and their correlation with racial and economic status of surrounding communities* (GAO/RCED-83-168). Washington, DC: Author. Retrieved from http://www.gao.gov/docdblite/info.php?rptno=RCED-83-168

Liu, F. (2001). *Environmental justice analysis: Theories, methods and practice*. Boca Raton, FL: Lewis.

Lynch, M. J., Burns, R. G., & Stretesky, P. B. (2008). *Environmental crime, law and justice*. New York: LFB Scholarly.

Mohai, P., & Saha, R. (2006). Reassessing racial and socioeconomic disparities in environmental justice research. *Demography, 43*(2), 383–399.

United Church of Christ Commission for Racial Justice. (1987). *Toxic wastes and race in the United States: A national report on the racial and socioeconomic characteristics of communities surrounding hazardous waste sites*. New York: Author.

Escobedo v. Illinois

Escobedo v. Illinois (1964) was decided by the U.S. Supreme Court during the era of Chief Justice

Earl Warren. It is part of what has come to be known as the "due process revolution," one of a series of cases that granted many protections of the Bill of Rights to state defendants, to whom these rights had historically been denied. The case was decided during the civil rights movement of the 1960s, when concerns about state abridgment of the rights of minorities, the poor, and other disadvantaged populations reached a peak. *Escobedo* for the first time recognized a suspect's Sixth Amendment right to counsel during police interrogation. Although *Escobedo* has little value as a precedent today, it is considered by many to be the precursor to the Supreme Court's landmark decision 2 years later in *Miranda v. Arizona,* which placed significant Fifth Amendment limitations on police efforts to obtain confessions from suspects.

Facts of the Case

Danny Escobedo, a 22-year-old Mexican American laborer, was arrested on the night of January 19, 1960, for the murder of his brother-in-law, but was released several hours later when his attorney filed a writ of habeas corpus (a legal instrument alleging that Escobedo's detention was unlawful because there was insufficient evidence to hold him). Upon his release, Escobedo was advised by his attorney that he should not answer any questions if the police arrested him again.

Eleven days later, Escobedo was rearrested after another suspect in the case, Benedict DiGerlando, told police that Escobedo fired the shots that killed his brother-in-law. En route to the police station, and without advising him that he had a right to remain silent, the police told Escobedo that DiGerlando had identified him as the shooter, and urged him to admit to the crime. Escobedo requested that he be permitted to talk with his attorney. The police denied this request. During questioning at the stationhouse, Escobedo repeated this request several times. His attorney, who had been informed of Escobedo's arrest by another family member, arrived at the police station and asked to see his client. The police denied this request. The attorney sought permission to see his client from at least three other higher-ranking officials but was informed that he would not be permitted to talk to his client until the police interrogations were complete. When Escobedo noticed his attorney in an adjoining room, the police told him that the attorney did not want to see him. An officer who knew the Escobedo family and who spoke Spanish came into the room and asked Escobedo if he would like to confront DiGerlando. Escobedo said that he would. He claimed that the police told him that he could go home if he identified DiGerlando as the culprit and that he would only be called as a witness in the case. When the two were brought face-to-face, Escobedo said, "I didn't shoot Manuel. You did it." He was unaware that his statement implicated him in the crime and made him an accomplice under Illinois law, the same as if he had fired the fatal shots. He was subsequently convicted of murder and appealed the verdict.

Background

When *Escobedo* was decided, the admissibility of stationhouse confessions was governed by a "voluntariness test," under which trial courts examined the "totality of the circumstances" to determine whether the suspect made the confession of his or her own free will. In the early part of the 20th century, courts were concerned about police use of torture and other unsavory methods to obtain admissions from suspects. In *Brown v. Mississippi,* for example, the Supreme Court invalidated the confessions of African American suspects whom sheriffs acknowledged they had hanged from a tree, let down, hanged again, whipped, and threatened with continued whipping until they confessed. The concern in such cases was about the reliability of the confession. Anyone tortured or threatened or questioned incommunicado for long hours (or even days) might confess to a crime he or she did not commit. Most of the suspects in cases involving confessions obtained through torture and threats were poor, uneducated, racial and ethnic minorities, often from the South.

In the 1950s, the Supreme Court began to address the use of more subtle forms of coercion. Gradually, the voluntariness test came to focus less on the unreliability of confessions and more on police interrogation techniques. Police interrogation

tactics had become more psychological than physical. The psychological nature of the interrogation tactics made it difficult for courts to determine whether a confession reflected the unfettered will of the suspect. The factors courts were required to consider were numerous (including suspect characteristics, interrogators' behavior, and context of the interrogation) and often difficult to assess (e.g., suspect's intelligence, education, psychological condition, emotional state, and sleep deprivation), and they were not given any instruction regarding how heavily to weigh one factor versus another. The result was a lack of consistency in the application of the voluntariness test.

Just 1 month prior to *Escobedo*, the Supreme Court had decided *Massiah v. United States,* which limited the admissibility of pretrial confessions. Winston Massiah had been indicted in a narcotics conspiracy, had retained counsel, and had made incriminating statements to an accomplice who was cooperating with police. Massiah was not in police custody at the time, and he talked freely to his accomplice. There were no threats and no pressure. Nevertheless, the Supreme Court held that the statements were inadmissible. The Court ruled that once a suspect has been accused of crime (in this case, Massiah had been indicted), the right to counsel attaches, and once the right to counsel has attached, the police may not attempt to elicit information from a defendant in any way when counsel is not present. The Court reasoned that the right to counsel at trial would mean little if police could obtain uncounseled confessions from defendants prior to trial and subsequently admit them into evidence. The Court explained that in the U.S. system of justice, the government bears the responsibility of amassing evidence sufficient to establish guilt, without assistance from the defendant.

The *Escobedo* Decision

The *Escobedo* Court overturned the conviction, ruling that Escobedo's incriminating statements had been taken in violation of his right to counsel guaranteed by the Sixth and Fourteenth Amendments. In reaching this decision, the Court focused on the fact that the police were no longer in an investigatory mode when they questioned Escobedo. Suspicion had focused squarely on Mr. Escobedo: Police believed that they had solved the crime, that they had their shooter. Writing for the majority, Justice Arthur Goldberg likened Escobedo's situation to Massiah's. Because the government was in an accusatory mode in both cases, Goldberg reasoned that it was immaterial that Massiah had been indicted when he made incriminating statements whereas Escobedo had merely been arrested. It thus appeared to some commentators that the *Escobedo* case stood for the proposition that police were prohibited from questioning any individual who had become the focus of suspicion unless counsel was present. Further, because defense attorneys rarely, if ever, encourage their clients to speak to police, the case might spell the end of stationhouse interrogations and confessions. Whereas opponents of police interrogation techniques might have applauded such a result, law enforcement officials would surely decry the loss of what they viewed as a vital crime control strategy.

In fact, the *Escobedo* decision was not nearly so straightforward. While the Court's opinion included expansive statements likening this case to *Massiah* ("The interrogation here was conducted before petitioner was formally indicted. But in the context of this case, that fact should make no difference."), it also included limiting ones, such as the following:

> where, as here, the investigation is no longer a general inquiry into an unsolved crime but has begun to focus on a particular suspect, the suspect has been taken into police custody, the police carry out a process of interrogation that lends itself to eliciting incriminating statements, the suspect has requested and been denied an opportunity to consult with his lawyer, and the police have not effectively warned him of his absolute constitutional right to remain silent, the accused has been denied The Assistance of Counsel in violation of the Sixth Amendment to the Constitution as made obligatory upon the States by the Fourteenth Amendment . . . [N]o statement elicited by the police during the interrogation may be used against him at a criminal trial. (*Escobedo v. Illinois*, 387 U.S. 478, at 491)

In the 2 years following *Escobedo,* courts were split over how to interpret it. Did it mean that, prior to interrogation, police had to furnish counsel to all arrestees upon whom suspicion had focused? The limiting language in the opinion suggested that the answer was "no." Alternatively, the ruling could be read more narrowly to apply only to arrestees upon whom suspicion had focused and who had not been apprised of the right to remain silent. Narrower still, the ruling might apply only to arrestees who had not been apprised of the right to remain silent and who requested to consult with an attorney. Even narrower still, it might be limited to arrestees upon whom suspicion had focused who had not been apprised of their right to remain silent, who requested to consult with an attorney, and whose counsel was denied access to them.

The ambiguity of the *Escobedo* ruling was clarified in 1966, with *Miranda v. Arizona.* The Court in *Miranda* shifted the analysis from the Sixth Amendment right to counsel to protection of the Fifth Amendment privilege against self-incrimination. That shift was more in keeping with the purpose of the *Escobedo* decision—to protect a suspect's right to remain silent by providing for the assistance of an attorney to help secure that right. In *Miranda,* the Court struck a middle ground, not prohibiting all stationhouse interrogations but requiring police to explicitly inform suspects of their rights and requiring an affirmative waiver of those rights prior to any interrogation.

After the Supreme Court decided *Miranda, Escobedo* lost most of its value as a legal precedent. Nevertheless, it remains an important stepping stone in a line of cases that responded to concerns that police interrogation techniques were being used to exploit the vulnerabilities of disadvantaged suspects.

Donna M. Bishop

See also *Brown v. Mississippi; Miranda v. Arizona*

Further Readings

Brown v. Mississippi, 297 U.S. 278 (1936).
Escobedo v. Illinois, 387 U.S. 478 (1964).
Kamisar, Y. (1965). Equal justice in the gatehouses and mansions of American criminal procedure. In A. E. D. Howard (Ed.), *Criminal justice in our time.* Charlottesville: University Press of Virginia.
Kamisar, Y., LaFave, W. R., Israel, J. H., & King, N. (2005). *Modern criminal procedure: Cases, comments, and questions* (11th ed.). New York: West.
Massiah v. United States, 377 U.S. 201 (1964).
Miranda v. Arizona, 384 U.S. 436 (1966).

ETHNICITY

Based on the Office of Management and Budget (OMB) standards, ethnicity is generally defined as the heritage, nationality group, lineage, or country of birth of an individual or an individual's parents prior to their arrival in the United States. Specifically, OMB standards specify two minimum categories of ethnicity: Hispanic or Latino and not Hispanic or Latino. According to the OMB, race is a socially or culturally defined concept and does not conform to purely biological, anthropological, or genetic criteria. Furthermore, race is considered a separate concept from Hispanic origin (ethnicity), and persons who identify as Hispanic or Latino can be of any race. In addition to Hispanics or Latinos, some broad and commonly recognized ethnic groups in the United States include African Americans, Asian Americans, American Indians, and European Americans. Each of these groups has a unique personal history related to experiences in the United States.

This entry provides a brief background of ethnic groups in the United States; examines some of the research regarding ethnic involvement in offending, incarceration, and victimization; and reviews general theoretical explanations for this involvement. Research directions are also discussed.

Background

In the earlier part of 20th-century America, European immigrants had become well settled in communities throughout the United States, and the general expectation was that certain ethnic groups would exhibit higher crime rates as compared to native-born Americans. Despite research findings to the contrary, concerns related to subsequent immigrant populations persisted. After 1965 a new wave of immigration began, this time including a large influx of Asians, Afro-Caribbeans, and Latinos. In concert with a largely uninterrupted flow of legal

and illegal (undocumented) immigrants from Mexico that intensified after 1980, a second major wave of Latina/o immigration occurred during the 1980s; this wave included the Marielito refugees from Cuba and further large-scale emigration from other war-torn areas in Central America. (The term *Marielito* refers to Cuban refugees who fled to the United States from the Cuban port of Mariel in 1980 to escape political unrest and gain asylum.) By the early 1990s, Latina/o immigration had reached its peak; however, current population estimates indicate that Hispanics/Latinos are the largest and fastest-growing minority group in the United States. Although more recent attempts have been made to close the borders, the U.S. Latina/o population has continued to grow.

According to the census, as of 2000, there were 35.3 million Hispanics or Latinos, 34.7 million African Americans or Blacks (which can include Hispanics reporting their race as Black), 11.9 million Asians, 2.5 million American Indians, and almost 200 million European Americans living in the United States. This increased ethnic diversity has led to a plethora of political and social issues, one of the most controversial being the real or perceived relationship between immigration and crime. Given that Latinos are the largest ethnic group in the United States, ethnicity-centered crime analyses typically reference Latinos, at the exclusion of other ethnic groups.

Offending, Incarceration, and Victimization

Race and ethnicity are often cited as the most important predictor variables of crime and delinquency in the United States. Contemporary criminological research, however, has generally focused on race rather than ethnicity—with Blacks and Whites as the two major groups under examination. Although the social implications and controversies pertaining to race and ethnicity are largely shared, ethnicity should be differentiated from race in criminological research.

Research findings based on official data should be interpreted with caution. For example, classic criminological studies largely relied on official records to determine the extent to which ethnic groups are involved in crime or delinquency; however, such records were often inaccurate and prejudicial against immigrants and other ethnic minorities. A specific obstacle often faced by researchers is the failure of official crime data statistics to account for distinctions between immigration generations, ethnic subgroups (ethnic origin or country of origin), and race.

The available research indicates that, relative to their representation in the U.S. population, ethnic minorities (particularly Blacks and Latinos) are overrepresented in prison and jail statistics. According to official reports, the incarceration rate for Latino males incarcerated in U.S. prisons and jails in 2006 was an estimated 1.9% (per 100,000 residents for each state and the federal system), compared to 0.7% of non-Latino White men. Based on current incarceration statistics, the lifetime chance of a Latino going to prison was estimated at 10%, compared to 3.4% for a non-Latino White.

Ethnic minorities are also more likely to be victims of violent and property crimes. For instance, between 1992 and 2001, rates of violent victimization among Native Americans were more than twice that of non–Native American Blacks and Whites, and 4½ times that of Asians. During 2005, Latinos were victims of overall violence at rates higher than non-Latinos. Specifically, while Latinos age 12 or older made up 13% of the total population that year, they experienced 15% of all violent crime. Compared to non-Latinos, 2005 statistics indicate that the rates for property crimes were also higher among Latinos (210 vs. 148 per 1,000 households).

Theoretical Explanations for the Ethnicity–Crime Link

Some of the major criminological theories have predicted high levels of criminal involvement among ethnic minorities, particularly immigrants. Based on these theories, some of the factors attributed to the immigrant crime problem have included settlement patterns and poverty, blocked economic opportunities, culture conflicts, language barriers, relative youth and a preponderance of males, and problems associated with assimilation.

Researchers have often attempted to study the link between ethnicity or immigration and violence in the context of criminogenic structural conditions. Earlier work of sociologists connected with the University of Chicago investigated the development

of delinquency areas in the city of Chicago to find support for a theory of social disorganization. Specifically, theoretical expectations were based on an interplay of rapid industrialization, urbanization, immigration processes (heterogeneity), and the subsequent breakdown of community controls. Findings indicated that high delinquency rates persisted in the same urban areas despite ethnic composition. For example, at the turn of the century, the predominant ethnic groups in high delinquency areas were of northern European background (e.g., Irish and German), whereas eastern and southern Europeans (e.g., Italian and Polish) predominated by 1920. On the basis of these findings, it has been suggested that ethnicity may contribute more in the way of social disorganization and delinquency in its negative impact on neighborhood organization, particularly in terms of the amount of population turnover, ethnic heterogeneity, social cohesion, and integration.

Although the evidence weighs heavily against a finding that certain ethnic groups are prone to criminality, it has been argued that children of immigrants are more represented in crime statistics (as offenders and victims) when compared to their parents. Moreover, research pertaining to crime among the second-generation children of immigrants indicates that there is something about the process of acculturation that may be conducive to crime and delinquency—particularly, the development of street gangs. Crime among immigrants and ethnic minorities has been attributed to problems associated with forced assimilation into mainstream American culture and the subsequent breakdown of traditional cultural norms that usually serve to mediate any conflict experienced.

Research Directions

Given inconsistencies in findings and the lack of contemporary research, more studies are needed. A limitation, however, is that data which are more suitable to this type of exploration are not readily available. One of the complaints offered by researchers who have previously studied ethnic or immigrant populations in the United States is the failure of official crime data to include a general ethnicity distinction.

A major source for data pertaining to race and ethnicity is the decennial census. In 1997, the OMB modified the standards for the classification of federal data on ethnicity to include a minimum of two categories: "Hispanic or Latino" and "not Hispanic or Latino." This revision was incorporated into the 2000 decennial census as a question pertaining to identification of Hispanic ethnicity. Despite the changes made in the questionnaire to distinguish ethnicity from race, there were issues raised with respect to data quality for the Hispanic question. Concerns included the reasonableness of changes in population growth, response rates, response inconsistencies, and inaccuracies resulting from poor question wording and format.

The Census Bureau is addressing Hispanic data quality issues for the 2010 census. For instance, preliminary test results indicated that the inclusion of the word *origin* in question wording and the provision of detailed examples for an "Other Spanish, Hispanic, or Latino" category will improve reporting of more specific Hispanic ethnicity information. Given the complexities associated with the development of a composite measure of Hispanic ethnicity, however, there are additional philosophical issues to be considered. Whereas the Census Bureau has relied upon the principle of self-identification as the best approach for counting the Hispanic population, the primary issue has become one of balancing the need to understand the diversity of Hispanic groups versus a general trend among respondents who wish to self-identify in more general terms.

Despite any data limitations, numerous studies and reports have surfaced indicating discriminatory practices in arrest, sentencing, and incarceration—albeit in violation of both suggested and mandated policies. Whether disparities are related to discrimination or bias among criminal justice system actors or disproportionate offending by certain ethnic groups is subject to debate. Because of the complexity and controversy associated with the issues, interest in studying ethnic and racial disparities within the criminal justice system seems to rise and fall throughout different periods and developments. Given more recent policies designed to combat discretion among criminal justice actors (i.e., sentencing guidelines), and the call for studies that break through the Black–White dichotomy, there is a renewed interest in research.

Michele P. Bratina

See also Immigrants and Crime; Latina/o/s; Sentencing

Further Readings

Martinez, R., Nielsen, A. L., & Lee, M. T. (2003). Reconsidering the Marielito legacy: Race/ethnicity, nativity, and homicide motives. *Social Science Quarterly, 84,* 397–411.

Peterson, R. D., & Krivo, L. J. (2005). Macrostructural analyses of race, ethnicity, and violent crime: Recent lessons and new directions for research. *Annual Review of Sociology, 31,* 331–356.

Sellin, T. (1938). *Culture conflict and crime.* New York: Social Science Research Council.

Shaw, C. R., & McKay, H. D. (1942). *Juvenile delinquency in urban areas.* Chicago: University of Chicago Press.

Ethnoracial Prison Ghetto

See Ghetto, Ethnoracial Prison

European Americans

European Americans are defined as persons of European descent living in the United States. The term *European American* is often used synonymously with *White*, *Anglo*, or *Caucasian*; however, there are differences among these groups. Both *White* and *Caucasian* denote larger groups and include persons of non-European descent (currently those tracing their ancestry to some eastern areas of the former Soviet Union and historically those from the Middle Eastern countries and Asian Indians). *Anglo* is a more specific term, referring to those of English descent. Additionally, there are many "racial" minorities, such as Blacks from France and the United Kingdom, Asians from the Netherlands, and Middle Easterners from Germany. Upon immigration to the United States, these "racial" minorities become subsumed under the umbrella of European Americans.

Most European Americans trace their ancestry to three waves of immigration: (1) colonial stock (English, Scottish, Irish, Welsh, German, and Dutch) arriving in the United States prior to and within a few decades of the Revolutionary War; (2) first-wave immigrants (Irish, German Catholics, British, Dutch, and Scandinavians) arriving between 1820 and 1890; and (3) second-wave immigrants (southern and eastern Europeans, including Italians, Greeks, Poles, Slavs, Portuguese, and Jews) arriving between 1880 and the 1920s.

There have been some changes in the ethnic characteristics of the European American population. Data from the U.S. Census between 1980 and 2000 indicate that the percentage of Americans claiming European American descent (by specific ethnicity) has declined for virtually all groups, with the exception of Basques, Belgians, Greeks, Italians, Norwegians, Portuguese, Romanians, Serbians, Slovenians, Spaniards, and Ukrainians. The greatest increases were among Romanians, Slovenians, Ukrainians, and Basques. This trend is worth addressing, as historically Europeans who immigrated to the United States as a result of destabilized homelands (whether due to war, famine, or religious persecution) tended to exhibit, by the second generation, higher-than-average crime and delinquency rates.

Historical Overview of European American Crime

Although as a group, European Americans today are among the most privileged groups in the United States, with the lowest poverty rate and with levels of education, household income, and personal income second only to Asian Americans, historically this has not always been the case. Although British colonies, including those in North America, were used as a repository for criminals and other undesirable members of society, others immigrated in search of religious tolerance or economic opportunity. These early immigrants were, for the most part, Protestant, and no one European ethnic group appears to have been singled out for differential or discriminatory treatment. However, subsequent immigrants, including Irish, Jewish, and Italian immigrants, did experience stereotyping and discrimination.

Irish Americans

The potato famine of the mid-1800s and the subsequent Irish Diaspora resulted in the immigration

of approximately 4 million Irish Catholics, most of whom settled in the Northeast. Irish immigrants, who were poor and Catholic, were the first European Americans to be considered a separate and inferior "race." As such, they were the targets of widespread discrimination (direct and indirect) as well as the victims of prejudice and negative stereotyping. Employment advertisements would include the phrase "No Irish Need Apply," and political cartoons of the day portrayed Irish Americans as apes.

Many Irish traditions, such as alcohol use and a tendency to settle disagreements with violence, ensured frequent and unpleasant contact with law enforcement and other criminal justice agencies. Police wagons used to transport offenders to the police station earned their nickname "paddy wagons" because the bulk of their occupants were Irish (Paddies).

While racism certainly played a part in the high rates of arrest and conviction for Irish Americans, discrimination contributed to higher rates of offending. Shut out of legitimate employment and consigned to substandard housing, Irish Americans turned to crime as a means of survival. The birth of the ethnic street gang in the United States can be traced to 1820s New York City and the Forty Thieves gang in Five Points. Originally formed as a social support club, members turned to organized criminal activity, ultimately establishing Tammany Hall as a political wing and controlling the Irish section of New York City.

By the early 1900s Irish street gangs had developed into what is now known as organized crime. Irish organized crime predominated in New York and in Chicago, peaking in the years leading up to Prohibition. Although Irish dominance of organized crime waned with the rise of Jewish and Italian organized crime during and after Prohibition, some Irish crime syndicates remained active through the latter part of the 20th century, including the Winter Hill Gang and the Charleston Mob in Boston, the Westies in New York City, and the K & A Mob in Philadelphia. Some Irish mobs (the North Side Gang) competed with Al Capone in Chicago during the Prohibition years, but Irish influence in Chicago's organized crime was negligible by the end of Prohibition.

Shortly after the American Civil War, Irish Americans began to assimilate. With the rise of the Tammany Hall political machine and Boss Tweed in the 1870s, Irish Americans began to gain social, political, and economic power. The Irish political machine opened new and legitimate opportunities to Irish Americans, and many members of this ethnic group moved into employment in factories, politics, and even the criminal justice system. This upward social and economic mobility prompted many Irish to move out of neighborhoods like Five Points, making way for the next wave of immigrants.

Jewish Americans

Jewish Americans, predominantly from Russia and eastern Europe, began immigrating to the United States en masse in the 1880s, escaping the pogroms and religious persecution of their homelands. Settling primarily in the Five Points area, Jewish Americans experienced negative stereotyping, prejudice, and discrimination. Ulysses S. Grant, during the Civil War, issued an order expelling Jews from some areas in some Southern states. Although this order was soon rescinded by President Lincoln, it illustrates the anti-Semitic attitudes of the time. In the early years of the 20th–century, Jews were excluded from social clubs, subject to enrollment quotas at colleges and universities, forbidden to purchase certain properties, and discriminated against in employment. Between 1880 and 1920 approximately 2 million eastern European and Russian Jews immigrated to the United States.

Although Jewish Americans may not have faced poverty as severe as that of Irish immigrants, they quickly filled the void left in major urban areas with the assimilation of Irish Americans. Criminal enterprises left vacant when Irish Americans assimilated and relocated were filled by other immigrants, mostly Jews and Italians. Young Jewish Americans were involved in traditional street gang activity, including stealing from vendor carts, pickpocketing, and other minor crimes. Adult and young adult Jewish Americans gravitated to traditional organized crime activities, including prostitution, extortion, and robbery.

Jewish American mobsters also branched into new enterprises. They were the first group to get involved in labor racketeering, providing muscle for both the union and management, beating, intimidating, and terrorizing "scabs." Through labor racketeering Jewish and Italian gangsters met

and formed the nucleus of the mega crime syndicates of the Prohibition and post-Prohibition eras.

The Jewish mobs of the early 1900s were the first crime syndicates to make the transition from bands of organized street criminals to criminal enterprise, employing lawyers and accountants, and operating in a manner similar to legitimate business. Arnold Rothstein (nicknamed "The Brain") is generally credited with initiating this change. Rothstein was the mastermind behind the infamous 1919 World Series scandal, with the Chicago White Sox players accepting a payoff from Rothstein to throw the World Series. This incident heralded the entry of criminal enterprises into sports betting.

Jewish American organized crime reached its zenith during Prohibition through the end of World War II. Active in most major U.S. cities, including New York City, Philadelphia, Newark, Cleveland, Detroit, Minneapolis, and Los Angeles, Jewish mobsters, including Meyer Lansky and Bugsy Siegel, controlled illegal activities nationwide. Near the end of Prohibition (1931) Lansky and Siegel joined forces with the up-and-coming Lucky Luciano. The relationship among the three dated back to their teens, when Siegel ran afoul of Luciano when one of Luciano's prostitutes failed to charge Siegel for sex. Lansky, then an apprentice, intervened in the ensuing fight. The relationship among the three ultimately resulted in the creation of the murder for hire business, known as Murder, Inc.

Jewish American crime syndicates are also responsible for the creation, and more importantly marketing, of Las Vegas. All major casinos of the 1940s and 1950s were built with Jewish mobster money and supervised by Jewish American mobsters, most notably Bugsy Siegel.

The entry of Jewish Americans into organized crime was the result of social and geographical dislocation, poverty, and discrimination. By the end of World War II anti-Semitism had decreased, Jewish Americans (by now the third and fourth generations) had pursued and achieved legitimate opportunities, and Jewish Americans had moved out of the slums of large cities and into the suburbs. Intermarriage with Gentiles hastened assimilation, and by the 1960s Jewish Americans had gone from accounting for one sixth of all felony arrests in New York City to being stereotyped as one of the most law-abiding ethnic groups in the country. Currently, Russian and Israeli mobsters claiming Jewish descent have been active in the Northeast, engaging in real estate fraud, oil tax evasion scams, arms dealing, and narcotic (particularly Ecstasy) trafficking; however, many allegedly Jewish Russian gangsters claimed Jewish status to facilitate immigration to the United States. It is also interesting to note that the newest wave of Jewish mobsters, like Lansky before them, have formed alliances with Italian organized crime.

Italian Americans

Italians immigrated to the United States primarily between 1880 and 1920 and, like the Irish and Jews before them, were subjects of stereotyping, prejudice, and discrimination. In the late 1880s Italians were one of the ethnic groups most likely to be lynched, with 11 being killed by a lynch mob in New Orleans in 1891. Stereotyped as violent, criminal, and involved with the Mafia, Italian Americans were, like earlier ethnic minorities, discriminated against in employment and housing. Additionally, most Italian immigrants during this time period were rural, poorly educated, and poor farmers and peasants from southern Italy and Sicily. About one third of these immigrants intended to remain in the United States only for a brief period of time, and about one fourth ultimately returned to Italy; the remainder, however, either opted to remain in the United States or were prevented from returning because of World War I.

Settling in the slums of major cities such as New York and Philadelphia, some of the 4 million Italian immigrants to the United States, finding themselves shut out of legitimate employment and other opportunities, turned to crime. While Italian American youth were involved in street gangs, engaging in many of the same activities as their Irish and Jewish predecessors, Italian American adults came with a ready-made organized crime structure, "La Mano Nera" or The Black Hand, the precursor to the American Mafia. Early on, The Black Hand limited itself to extortion; however, as the Italian American population grew, Italian gangsters branched out into loan-sharking, murder, kidnapping, robbery, and commercialized vice (gambling, drugs, alcohol, and prostitution).

Prior to prostitution, Italian American organized crime was neither as well organized nor as extensive as Jewish American organized crime, operating less as organized crime and more as a street gang. One of the earliest Italian Americans to operate a truly organized crime syndicate was Paolo Antonio Vaccarelli, a former prize fighter who changed his name to Paul Kelly and offered his services to the Irish American mob and Tammany Hall. Kelly founded the Five Points gang, recruiting and mentoring many of Prohibition's most successful Jewish American and Italian American mobsters. By the time of Prohibition, Italian American mobsters, under the leadership of Al Capone, Lucky Luciano, and Salvatore Maranzano, consolidated their operations, becoming the dominant organized crime syndicate of the day.

The Italian American Mafia continued to thrive throughout World War II; the United States even brokered a deal with Lucky Luciano to use his influence with Sicilian Mafiosos to facilitate the Italian campaign. After the war Italian American organized crime moved in to control the unions (previously the territory of Jewish American organized crime). Other recent business ventures include pornography, numbers, sports betting, tax fraud, and stock manipulation schemes.

As with the Irish and Jewish immigrants to the United States, Italian Americans ultimately assimilated into American society. With assimilation came increased legitimate opportunities and a subsequent decline in both delinquent and criminal behavior. However, stereotyping of Italian Americans as gangster continues and is in fact exacerbated by the media, including books (*The Godfather*), television (*The Sopranos*) and movies (*Casino*, *Goodfellas*, *A Bronx Tale*). A study by the Response Analysis Corporation found that nearly three fourths of Americans believe that Italian Americans have a connection to the Mafia; the actual number of Mafia members, at any given time, is about 2,000.

Theoretical Perspectives on Crime by European Americans

Much of the early criminological research on race and crime focused on the delinquent and criminal behavior of European Americans, particularly on Irish, Jewish, and Italian immigrants. While the subjects in these studies were European American, some of the theories on which the earlier studies of European American crime were based are still used today to explain apparent higher-than-average rates of offending among non-European immigrants.

One of the more popular theories used to explain European organized crime during the mid-20th century was the alien conspiracy theory. Simply put, this "theory" suggests that organized crime in the United States had its start in the mid-1800s in Sicily and is centralized through a national commission that allocates territory and governs disputes. This model, popular with law enforcement and politicians at the time of the Kefauver hearings, implies that Italians and Italian Americans bear responsibility for bringing organized crime to the United States; however, there is limited evidence to support the idea that Italian American organized crime is truly centralized, and historically organized crime had existed in the United States (most notably the Irish American mobs) decades before the influx of Italian immigrants in the late 1800s.

Some sociological theories that can be applied to organized crime and European American criminality include anomie, social learning theory, and social disorganization theory.

Anomie theory attributes criminal behavior to an individual's method of coping with economic strain. Individuals find themselves shut out of traditional avenues of economic success and may adapt in a number of ways: innovation, ritualization, retreatism, and rebellion. The innovator, while still adopting culturally valued goals (the American dream) eschews socially approved means of goal attainment and instead engages in illicit or criminal activity to achieve the same goals to which mainstream society aspires.

Social learning theory states that criminal behavior, like all other behavior, is learned from our primary groups. In the case of criminal behavior, children (and adults, as learning is a life-long process) learn three things: (1) deviant, delinquent, or criminal norms and values; (2) how to engage in deviant, delinquent, or criminal behavior; and (3) the "vocabulary of motives" used to rationalize or justify one's behavior. Children living in neighborhoods with a strong criminal tradition are

more likely to be exposed to, and more likely to adopt, criminal norms and values. Additionally, they will have the opportunity to learn the mechanics of criminal behavior. It is therefore assumed that these individuals not only will be willing to accept or approve of criminal behavior but also will have the necessary skills to engage in crime. If presented with a criminal opportunity, he or she will be more likely to engage in crime than someone who is less exposed to crime and deviance.

At a more macro level, social disorganization theory focuses on the conditions inherent in center city neighborhoods, such as the Five Points area of New York City. Historically, European immigrants have flocked to the inner city areas of major cities. Five Points and other urban slums offered not only inexpensive housing but a ready-made immigrant community offering friends, support, and familiarity. Inevitably, these neighborhoods were rundown, poor, and overcrowded. Faced with a rapid influx of immigrants, many speaking unfamiliar languages, the institutions in these communities (churches, schools, police, economic organizations) became overwhelmed and found themselves unable to function. Faced with impotent social agencies, unemployment, and disorganization, immigrants living in these communities turned to crime. However, rather than placing the onus for criminal behavior on the immigrant (as in anomie and social learning theory), social disorganization theory states it is the neighborhood, not the individual, that is deviant (deviant areas). With the breakdown of legitimate social institutions in areas like Five Points in New York City, deviance, delinquency, and criminality became the norm. Residents not engaged in crime came to be considered abnormal.

Of the three theories, social disorganization may offer the best explanation for European American crime; as each group assimilated and moved away from the inner city, crime and delinquency rates for the group dropped. However, as one group moved out, another group of immigrants moved in. Irish crime rates, particularly in New York City, were high in the early to late 1800s. As the Irish moved away from Five Points, Jewish immigrants moved in and subsequently experienced high crime and arrest rates. As Jewish Americans assimilated and moved out of the city, Italian immigrants moved into what is now known as Little Italy, with some of the first and second generations becoming involved in street and organized crime. Again, as Italian Americans assimilated and moved to the suburbs, their crime and delinquency rates dropped; however, new immigrants, including new European immigrants have moved into these delinquent areas.

Current Trends in European American Crime: The Russian Mafia

The majority of European immigrants to the United States today are from eastern European and former Soviet bloc countries. Romanians living in the United States have been implicated in cybercrime (most notably phishing), and Armenians in grocery coupon fraud. However, the current successors to the Irish, Jewish, and Italian American crime syndicates are Russian mobsters, operating primarily out of the Brighton Beach area in Brooklyn but also out of Denver, Seattle, Cleveland, Minneapolis, Chicago, Dallas, Boston, Los Angeles, and Phoenix. While Russians immigrated to the United States in large numbers in the mid-1800s, the most recent wave began with the fall of the Soviet Union in 1991, followed by extreme poverty (between 40% and 50%) and political instability. About 250,000 Russians immigrated to the United States between 1991 and 1995, with approximately another 30,000 entering the country or remaining in the United States illegally.

The Soviet Union, by the time of its collapse, had a thriving black market and extensive crime networks. Like the Italian immigrants, some Russian émigrés may have brought criminal traditions with them to the United States. Many immigrants to the Brighton Beach area came from Odessa, a seaport on the Black Sea with a history of pirate activity and criminal subculture. Although there is limited evidence pointing to the existence of a nationwide Russian crime syndicate similar to the Italian Mafia in the mid-1900s, Russian gangsters have been involved in and arrested for extortion, counterfeiting, forgery, confidence schemes, drug trafficking, gasoline bootlegging, insurance and medical fraud, real estate scams, weapons trading (including nuclear), and money laundering. In 1999 U.S.-based Citibank was investigated as a participant in a Russian Mafia money laundering scheme.

Kenney and Finkenauer (1995) have likened the Russian Mafia to the Italian Mafia from a century ago. Clearly, there are similarities. Both groups came from politically unstable countries with histories of organized crime. Both the Italians and the Russians have been more open to criminal violence and more serious violence than many of their predecessors. Both have shown themselves open to emerging criminal opportunities (the Italians and bootlegging liquor, the Russians and cybercrime). Cultural and religious minorities, Italians and Russians settled in urban ethnic enclaves. Russian immigrants, however, were more likely to have come from urban areas and to have more education and more experience with law enforcement. (One Russian mobster, when asked if he feared the police in the United States, responded that he had already dealt with the KGB, what else could they do to him in America?) Still very much a mystery to law enforcement and scholars, the future of Russian American crime remains to be seen.

Regardless of the past, present, or future of European American criminal activity, the past 2 centuries have, through the experiences of the Irish, Jews, Italians, and Russians, illustrated the importance of not just race but also ethnicity (language, religion, and culture) in the rise of criminal behavior within an ethnic group. Political, social, and economic upheaval, coupled with poverty, overcrowding, prejudice, and discrimination, create a climate where crime and deviance are not only tolerated, they are rewarded.

Pamela Preston

See also Chicago School of Sociology; Critical Race Theory; Immigrants and Crime; Immigration Legislation; Immigration Policy; Victimization, White; White Crime

Further Readings

Abadinsky, H. (2006). *Organized crime*. Belmont, CA: Wadsworth.

Gabbidon, S. L., & Greene, H. T. (2005). *Race and crime*. Thousand Oaks, CA: Sage.

Hess, H. (1996). *Mafia & Mafiosi: Origin, power and myth*. New York: New York University Press.

Kenney, D. J., & Finckenauer, J. O. (1995). *Organized crime in America*. Belmont, CA: Wadsworth.

Kleinknecht, W. (1996). *The new ethnic mobs: The changing face of organized crime in America*. New York: The Free Press.

Lyman, M., & Potter, G. W. (1998). Organized crime and the drug trade. In *Drugs and society: Causes, concepts and control*. Cincinnati, OH: Anderson.

Lyman, M., & Potter, G. W. (2006). *Organized crime*. Upper Saddle River, NJ: Prentice Hall.

Mahan, S. (Ed.). (1998). *Beyond the Mafia: Organized crime in the Americas*. Thousand Oaks, CA: Sage.

Evidence-Based Delinquency Prevention for Minority Youth

A number of general approaches and specific programs have been found to be effective in reducing delinquent behaviors among youth. The first studies conducted to these ends, however, largely relied on samples of White males, as did the study of crime in general. Criminologists are making progress in this respect, however, implementing violence- and delinquency-prevention programs in urban, ethnically diverse areas. More recently, scholars are investigating gender-specific programs, or those designed to meet the specific needs of youth of a particular gender, assuming that males and females have differing experiences of crime and its consequences. Some evidence also suggests that youth of different racial and ethnic backgrounds differ in their experiences of crime, though "race-specific programming" has yet to emerge as a unique field of criminological study. Programs have been developed specifically for youth of particular racial and ethnic backgrounds, to meet their specific needs in a culturally sensitive manner. Not all of these and other programs targeting youth of all races have been evaluated to determine their effect. It is important to examine the various evidence-based approaches currently used to deal with juvenile delinquency for evidence that they are effective when used with minority youth.

The Push for Evidence-Based Delinquency Prevention

In 1996, the U.S. Congress mandated the Attorney General to evaluate the effectiveness of crime-prevention strategies with independent analyses

and scientifically rigorous methods. Evidence-based prevention approaches are those with "proven" effects, supported by a body of scientific research. The National Institute of Justice commissioned this congressionally mandated independent review, which was ultimately carried out by Lawrence Sherman and his colleagues at the University of Maryland. This broad review examined a wide range of crime-prevention strategies, from those based in the community, schools, and family to those utilized by police and correctional systems. These scholars found a variety of approaches to be effective, such as increasing police patrol of high-crime areas, incarcerating repeat offenders, arresting abusive partners in their homes, and providing therapeutic treatment for incarcerated substance abusers. More specific, effective treatment methods included family therapy, parenting training, home visitation for preschoolers, and school-based social competency training.

A number of other approaches were determined to be ineffective, including police follow-ups with abusive couples, neighborhood watch and community mobilization programs, outdoor wilderness programs and electronic monitoring for juvenile offenders, and school-based leisure and peer counseling programs. Sherman and colleagues also argued that the more widely used D.A.R.E., boot camp, and Scared Straight programs did not work.

At the same time, other university-affiliated and government-funded agencies developed their own initiatives to research "what works." The Office of Juvenile Justice and Delinquency Prevention funded the Blueprints for Violence Prevention initiative; the Department of Education funded the Safe, Disciplined, and Drug-Free Schools Panel; the Center for Substance Abuse Prevention funded the Strengthening America's Families project; and the Surgeon General also released a report. Though comprehensive in nature, these reports were still preliminary because they did not investigate how well the program worked with individuals and groups of different social backgrounds (gender, age, race/ethnicity, etc.). Nonetheless, a new era focusing on the development, implementation, and continued evaluation of evidence-based programs was born.

Determining What Works

An evidence-based delinquency-prevention program is one that has produced evidence that it can reduce delinquency or impact factors that put individuals at risk for delinquency. There are multiple levels of prevention, however, that must be considered. Primary prevention methods target the general population, preventing them from ever becoming involved in delinquent behaviors. Secondary prevention targets those determined to be at risk for future delinquency. Tertiary prevention focuses on those who have already committed crimes, treating them in order to prevent them from reoffending.

Risk and Protective Factors for Delinquency

Many different factors put an individual at risk of engaging in delinquent behavior. These risks present themselves in nearly every domain of social life. In the community, neighborhood disorganization; high rates of violence; poverty; and the high presence of firearms, gang activity, and drugs place individuals at risk. In schools and peer groups, individuals who are uncommitted to school, who experience academic failure, and who associate with delinquent peers are at higher risk. Antisocial attitudes and behaviors at the individual level, as well as conflict, lack of supervision, and poor management and parenting practices at the family level also increase risk.

Similarly, there are factors that appear to "protect" an individual from developing delinquent behaviors. Some protective factors, such as commitment to school, appropriate parental supervision, good parenting practices, and association with nondelinquent peers, appear to be the opposite of risk factors. Others, including positive future orientation, intolerant attitudes toward deviance, attachment to parents, and self-esteem, are argued to act independently because they have been found to exert their own impact on outcomes related to delinquency. Risk and protection may be more clearly understood as working with and also against one another, changing over time and across contexts. For example, a child may experience a persistent lack of supervision while simultaneously feeling strongly attached to parents for other reasons. Changes in one or both of these factors over time may change an individual's overall risk level.

Regardless of this debate, prevention programs must consider these factors and, when appropriate, incorporate into their curriculum specific methods to treat them. Failure to understand the factors that lead to delinquency, or that protect one from becoming involved in it, will complicate attempts to prevent and treat it at any level.

Criteria for Determining What Works

An evidence-based program has demonstrated it works through experimental evaluation and statistical analysis. Experimental evaluations are those that compare a group of youth who receive a program (the "treatment group") to a group of youth who receive no treatment ("control group") or an alternative treatment ("comparison group"). These two groups are compared both before and after the program is implemented, and statistical tests examine differences between groups over time. Ideally, participants will be randomly assigned to groups but, when random assignment is not used, it is important that the two groups are "matched" or statistically similar before the program is delivered. This is the best way to ensure that the program itself, rather than outside factors, is responsible for the changes seen over time. Evidence-based approaches have multiple evaluations of this nature, all of which support the notion that they are effective in reducing delinquency.

Disseminating Information on What Works

Today, some of the research agencies mentioned earlier in this entry continue to review and evaluate youth programs to identify "what works." Several, including the Blueprints for Violence Prevention program and the Substance Abuse and Mental Health Services Administration, offer public access to their program databases. Each of these and other "information houses" created different criteria and rating systems; some are more rigorously defined than others. There are consistencies across these various listings, though, regardless of the specific methods used to determine how well the programs work. In fact, the Blueprints program created a cross-listing of all programs rated by twelve different agencies.

Delinquency Prevention for Minority Youth: What Works

Thirty of 299 listed programs were rated as "effective" or "promising" by five or more of the twelve agencies. Seven evaluated program effectiveness in studies with largely Caucasian youth. The remainder delivered program services to youth of multiple ethnic groups, four with samples consisting almost entirely of African American and/or Hispanic youth. One of these four programs, Brief Strategic Family Therapy, impacted delinquency outcomes, reducing behavioral and emotional problems and marijuana use across several different samples of Latina/o youth.

Evaluations of these, and hundreds of other programs, are readily available, as they are published as articles, book chapters, or technical reports. Though the information houses referred to earlier often provide summaries of these program evaluations through their websites, many summaries do not report effects by race. Nine of the twelve programs mentioned, however, conducted race-specific analyses of program effects, and seven of these impacted delinquency outcomes. Participation in Big Brothers, Big Sisters of America delayed the onset of drug use among non-Caucasian youth and alcohol use among non-Caucasian females. Minority participants in Project Northland experienced some of the strongest effects on reduced alcohol, tobacco, and marijuana use. The Adolescent Transitions Program, CASASTART (the Striving Together to Achieve Rewarding Tomorrows program from Columbia University's Center on Addiction and Substance Abuse), Life Skills Training, the Midwestern Prevention Project, and Multisystemic Therapy all worked equally well in reducing substance use for youth of all ethnicities. Multisystemic therapy also reduced the frequency and seriousness of recidivism among participating youth, regardless of ethnicity, and CASASTART reduced violent crime and, for Hispanic youth relative to African American youth, the use and sale of drugs.

Multiple programs have been created specifically for use with minorities. Sometimes referred to as rites of passage or culturally specific programs, they build upon culturally specific values and norms, but many have yet to prove their effects. In fact, some rites-of-passage programs are outdoor-based and,

as discussed previously, scholars have questioned or rejected the impact of wilderness programs for use with delinquent youth.

The Aban Aya Youth Project and the Strong African American Families Program, however, show promise. Both are specifically designed for African Americans, are informed by Afrocentric theories, and incorporate African American cultural values into their curriculum. Aban Aya has been shown to reduce violence, school delinquency, sexual behavior, and substance use, but only among boys. The Strong African American Families program has demonstrated positive impacts on youth alcohol use.

Project FLAVOR is a school-based, primary-level, smoking-prevention program designed for implementation in multicultural settings. Evaluations reveal reduced tobacco smoking after one program year among Hispanic boys and similar reductions for all Hispanic youth when implemented in schools with at least 40% Hispanic in population. The program proved ineffective for Asian Americans, however.

The Bicultural Competence Skills Program is a drug-prevention program adapted for use with Native Americans from the Life Skills Training Program. Evaluations show long-term reductions in the use of smokeless tobacco, alcohol, and marijuana, about 3 years after participation.

Though these programs do not appear on rating lists of agencies that conducted comprehensive program reviews in recent years, it is not necessarily due to flaws in methodological designs. All but the Strong African American Families program, now a Blueprints "Promising" program, randomized at the school level. Overall, the studies retained a good number of original participants over time, and groups were largely equivalent before the study period began. The program effects are not replicated and have not been tested for long-term sustainability, however. Some were developed and evaluated after agency reviews had been conducted.

In conclusion, the push for evidence-based programs has produced a wealth of knowledge as to "what works" in preventing delinquency. Some proven approaches appear to work equally well for youth of different ethnicities, some produce specific effects for Hispanic and/or African American youth, and some are designed just for youth of specific ethnic backgrounds. Relatively few programs, specifically those that target minority youth, have been evaluated with strong research designs, but scholars are working to build evidence that is scientifically sound, examining long-term and race-specific effects and conducting replications of past work. Overall, the "what works" field will benefit from continued research and development of programs that are specifically beneficial for children and families of minority racial and ethnic groups.

Allison J. Foley

See also Center for the Study and Prevention of Violence; Culturally Specific Delinquency Programs; Delinquency Prevention; Ethnicity; Juvenile Crime; Mentoring Programs

Further Readings

Brody, G. H., Murry, V. M., Kogan, S. M., Gerrard, M., Gibbons, F. X., Molgaard, V., et al. (2006). The Strong African American Families Program: A cluster-randomized prevention trial of long-term effects and a mediational model. *Journal of Consulting and Clinical Psychology, 74,* 356–366.

Sherman, L. W., Gottfredson, S., MacKenzie, D., Eck, J., Reuter, P., & Bushway, S. (1997). *Preventing crime: What works, what doesn't, what's promising.* Washington, DC: U.S. Department of Justice, Office of Justice Programs, National Institute of Justice.

U.S. Surgeon General. (2001). *Youth violence: A report of the Surgeon General.* Retrieved from http://www.surgeongeneral.gov/library/youthviolence

Websites

Center for the Study and Prevention of Violence, program matrix: http://www.colorado.edu/cspv/blueprints/matrix.html

Office of Juvenile Justice and Delinquency Prevention (OJJDP) model programs guide: http://www.dsgonline.com/mpg2.5/mpg_index.htm

Faith-Based Initiatives and Delinquency

Working in collaboration with federal, state, and local criminal justice agencies, faith-based community organizations have played a significant role in gaining and maintaining public trust, decreasing crime, and fostering neighborhood development. Faith-based initiatives that focus on delinquents are important in the study of race and crime because of the differential treatment and disproportionate contact and confinement of minority youth in juvenile justice. Faith-based initiatives can assist in primary, secondary, and tertiary delinquency prevention. This entry describes the rationale for faith-based initiatives, examples of such initiatives, and the role of community with respect to these programs.

The most important link between faith-based organizations and crime has to do with the location of those organizations in communities where crime prevails. In such high-crime, low-income communities, churches continue to have a significant presence. Independent of other factors, church-going individuals from high-poverty neighborhoods may have a greater chance to escape crime and other social ills by the guidance offered in faith-based programs that provide services such as mentoring, mental health counseling, job readiness training, employment opportunities, self-esteem building, parent support groups, and parent readiness classes for teen parents. Often a faith-based organization can help change people's lives and motivate them to rise to new levels of caring for their neighbors. Faith-based organizations located in communities with high levels of delinquency provide an opportunity to engage youth in positive activities.

A basic tenet of faith-based initiatives is that a delinquent individual's association with a religious institution (church, mosque, synagogue, or other house of worship) can contribute to his or her success. Adolescents who participate in extracurricular activities have an advantage not only because those activities divert them from delinquency but also because such programs enable youth to develop positive relationships with the community. Faith-based initiatives give participants the opportunity to acquire skills and attributes that help them succeed. The activities that are associated with faith-based initiatives expose the delinquent individuals to social contacts that can serve as positive role models outside of the original family associations. The development of such contacts gives the delinquent a framework of positive activities that may reduce potential risky behaviors. The personal attention that participants receive also contributes to the reduction of delinquency.

Current discussions on church–state relations represent a new chapter in the living history of faith-based initiatives that seek to reduce crime. As a result of federal legislation, funding for faith-based initiatives has been greatly expanded over the past decade. "Charitable choice" provisions in the 1996 Welfare Reform Act identified several types of social service programming for which

religious organizations could receive federal funding. The scope of such programs was further expanded during the George W. Bush administration and now includes agencies in the U.S. Department of Justice such as the Office of Juvenile Justice and Delinquency Prevention. Although some critics are concerned that the legislation violates First Amendment church–state provisions, a number of states and cities have also adopted their own faith-based initiatives.

Faith-Based Initiatives: Mentoring

Clergy using faith-based initiatives have served as mentors or have become key players in mentoring programs aimed at addressing delinquency in their communities. The goals of such mentoring programs range from identifying positive role models to recruiting and training clergy to serve as volunteers.

The use of mentors is a key component of personalized services for individuals who are at risk or maintain a self-destructive lifestyle. Faith-based organizations have used individuals as mentors to counter any socially destructive lifestyles within the community. Mentors, who are raised in the same community or neighborhood, understand how the community can be a positive force in the lives of those who are delinquents. Faith-based initiatives have always used mentors as the bridge between the community and delinquent individuals.

Examples of Faith-Based Initiatives

In Baltimore, an after-school tutoring program is run by a Christian community group called The Door. Although The Door has no direct church affiliation, it is intended to bring together those whose faith motivates them to help others. The Door helps bring children whose reading and math skills are below grade level up to standards. Federal funding has enabled The Door to upgrade their center, enlist certified teachers, buy up-to-date computer equipment, and administer standardized tests to measure progress of students reading below grade level.

Another example of a faith-based preventive program is the Youth and Congregations in Partnership program. Established in 1997, this program in Brooklyn, New York, matches teenage offenders with mentors from local religious organizations, with the aim of reducing juvenile and adult recidivism.

The programs mentioned in the previous two paragraphs provide safe haven for youth from high-risk communities and offer positive activities to help stem delinquency.

Faith-Based Initiatives and the Community: The Holistic Approach

The challenge for faith-based initiatives is to create public services that build on the traditions of church–community relations while preserving the unique religious character within the congregations. Faith-based initiatives have deep roots in serving the community needs. This belief in a communal bond with church and community is used in faith-based initiatives to deliver a variety of services to address delinquency while still maintaining religious undertones.

The ability of faith-based initiatives to use secular relationships is a unique aspect of a holistic approach to intervention with delinquent youth. A holistic approach is concerned with youth development as well as factors related to the family, school, and neighborhood. The reality of treating behavioral problems associated with delinquency emphasizes the importance of developing holistic treatment for such delinquencies as gang violence, substance abuse, and teen truancy. The services that are provided through these programs must be diverse to deal with the multicultural diversity within the delinquent population. The unique holistic approach of partnerships between faith-based initiatives partnerships and funding resources addresses the economic limitations encountered with past community initiatives. Faith-based organizations have tremendous advantages over the direct benefits by the federal or state government. The fact that they are closer to the problem allows them to better tailor solutions to those they serve. Such programs enable clergy and other faith-based leaders to address the special needs of disadvantaged youth.

Faith-based initiatives seek to elicit the support of the community in their efforts to strengthen the implementation and sustainability of delinquency programs. The strong ties between the community and the church help faith-based initiatives capitalize

on spirituality as a resilience factor. The focus of the faith-based initiatives as they relate to delinquency is the reintegration of the delinquent youth back into the community. Usually this integration is accomplished through help from community leaders, local businesses, family members, and educators. Long-term collaborative efforts are important to the long-term effectiveness of faith-based initiatives.

Many faith-based organizations function as the central force that binds the community together. Churches, mosques, and other spiritual centers frequently become even more important in the lives of those who seek solutions to delinquency in the community. In a faith environment, the doctrine of compassion and service to the community has long been a principle of spiritual leadership.

In many troubled communities, clergy are often viewed as leaders who are called upon in the community to represent the community voice. For example, Martin Luther King, Jr., and other clergy were the driving force behind the voice of the civil rights movement. Faith-based initiatives are a means by which clergy in communities faced with problems related to delinquency can have a rallying effect on the lives within their own communities.

Faced with a national crisis of delinquency, with gang violence, truancy, and substance abuse, faith-based organizations can and do work in communities of crisis. Many communities use churches as their starting point to help resolve community issues. In the future, identifying and funding delinquency programs that work might lead to faith organizations and the initiatives playing a greater role in preventing and controlling delinquency.

Gilton Christopher Grange

See also Delinquency Prevention; Mentoring Programs; Youth Gangs, Prevention of

Further Readings

Black, A. E., Koopman, D. L., & Ryden, D. K. (2004). *Of little faith: The politics of George W. Bush's faith-based initiatives*. Washington, DC: Georgetown University Press.

Websites

Center for Faith-Based and Community Initiatives, Department of Health and Human Services: http://www.hhs.gov/fbci

The Door: http://www.thedoorinc.org

Faith-Based and Community Initiatives, Office of Juvenile Justice and Delinquency Programs, U.S. Department of Justice: http://ojjdp.ncjrs.gov/fbci/

Youth and Congregations in Partnership: http://www.brooklynda.org/YCP/YCP.htm

Faith-Based Initiatives and Prisons

Faith-based initiatives operate in federal and state prisons across the United States. This entry describes faith-based prison initiatives and discusses key issues surrounding these programs. A summary of Kairos Prison Ministry, Horizon Communities, and Prison Fellowship is provided, as these programs operate nationwide in the U.S. prison system. Most programs are Christian centered, and religions such as Islam, Judaism, Buddhism, and other non-Christian faiths are often neglected in faith-based prison programs. This issue of neglect is addressed along with suggestions for future research.

Prison Statistics

According to the Bureau of Justice Statistics there are over 2.2 million prisoners held in federal or state prisons or local jails. In 2006 the Bureau of Justice Statistics estimated the overall incarceration rate per 100,000 U.S. residents for each state and federal prison system. These statistics indicated that 4.8% of Black men were in prison or jail compared to 1.9% of Hispanic men and 0.7% of White men. Blacks are the most disproportionately represented minority group in the U.S. prison population, as they currently make up 12.3% of the U.S. population compared to Whites, who comprise 69% of the U.S. population, according to the U.S. Census Bureau. Considering their disproportionate representation, Black inmates have much to gain from faith-based prison initiatives. Unfortunately, their religious needs have often gone unmet.

Participating Agencies

The U.S. Department of Justice's National Institute of Correction Information Center conducted a

survey in 2005 in which they contacted all departments of correction in 50 states and the Federal Bureau of Prisons for information on residential, faith-based programs for inmates. To be considered, programs had to be separately housed, residential inmate programs that utilize a faith-based approach. Of the 51 agencies surveyed, 21 (41%) operate or are developing at least one residential, faith-based program. Two agencies are currently developing programs, and faith-based programs are being added or expanded in at least 10 agencies of those surveyed. The Florida Department of Corrections represents one of the most unique faith-based prison initiatives in that it is currently operating three separate faith-and-character-based institutions: Lawtey Correctional Institute, Wakulla Correctional Institute, and Hillsborough Correctional Institute, which is designated specifically for female inmates.

Policy Issues

Religion has played an important role in the historical development of the U.S. penal system, and in recent years several factors have brought to light the issue of faith-based initiatives in prisons. In 1996 the U.S. Congress passed the Personal Responsibility and Work Opportunity Reconciliation Act. Contained in this legislation was the Charitable Choice requirement, which requires states to contract with faith-based social service organizations in the same manner as they contract with other nonprofit organizations. This was an important step because it allows faith-based organizations to compete for federal grant money in providing social services. It has also played a major role in allowing religious organizations to provide services to correctional institutions. At the same time it raises issues regarding the separation of church and state as decreed in the U.S. Constitution, which is currently being debated by many religious groups and constitutional rights organizations, such as the American Civil Liberties Union.

In 2001 Congress passed the Religious Land Use and Institutional Persons Act. This legislation greatly strengthens the constitutional right of inmates to practice their religion in prison. This law was challenged and later upheld by the U.S. Supreme Court in 2006. In addition, President George W. Bush created the White House Office of Faith-Based and Community Initiatives in 2001, which provided further support for faith-based organizations in providing social support services.

Faith-Based Prison Initiatives

Kairos Prison Ministry

Kairos Prison Ministry is the first faith-based prison initiative to operate in the U.S. correctional system. Kairos held its first weekend ministry program, Kairos Weekend, at Union Correctional Institution in Raiford, Florida, in 1976. Kairos Prison Ministry is a Christian organization that is led by volunteers who represent the Christian faith and present a Christian perspective to inmates. Kairos Prison Ministry is also ecumenical in that its many volunteers come from different Christian denominations, which allows volunteers to minister the core Christian principles to inmates. Although most Kairos volunteers are lay people, clergy also play an important role in this prison ministry. The main mission of Kairos Prison Ministry is to minister to incarcerated individuals, their families, and those who work with them.

Kairos Prison Ministry has three core programs that are provided to offenders and their families. One is the Kairos Weekend program for incarcerated men and women offenders. This 3-day program acts as a short course in Christianity and is presented by Kairos volunteers and clergy from the local faith community in conjunction with the prison chaplain. Kairos Weekend is an intensive program that provides 40 hours of programming, such as talks, meditations, and events. After the Kairos Weekend program is over, a follow-up program is provided for its participants; this program is called the Fourth Day. The Fourth Day is symbolic in meaning because it refers to the rest of the participants' lives. Program participants meet in small reunion groups where they can continue to deepen their fellowship and faith through prayer.

Kairos Prison Ministry also offers a program for spouses, parents, and other relatives of prisoners called Kairos Outside, which began in 1991. This program is designed as a 2-day retreat, which is led by Kairos volunteers, for family members who have a loved one in prison. Kairos Outside's goal is to provide spiritual healing to the families

of incarcerated offenders. Kairos Outside allows program participants to share their personal experiences of having a loved one in prison and gain strength from a Christian community.

The third program that Kairos Prison Ministry offers is Kairos Torch. First implemented in 1997, Kairos Torch is aimed at youthful offenders between the ages of 18 and 25. Kairos Torch begins with a weekend retreat that is held inside the prison. This retreat centers on providing unconditional love and acceptance to these young participants. One of the main goals of Kairos Torch is to encourage young men and women to share their life journey through participation in a long-term mentoring process with Kairos volunteers.

Kairos Prison Ministry has been providing faith-based prison programming for over 30 years in the United States. Currently, Kairos Prison Ministry operates in 270 prisons in 33 states as well as internationally in England, Australia, South Africa, Costa Rica, and Canada. Since its inception in 1976, over 170,000 men and women offenders have participated in Kairos faith-based prison programs. The number of Kairos volunteers totals over 20,000 each year. Kairos Outside operates in 19 states and internationally in Canada, England, Australia, and South Africa, totaling over 35 programs worldwide. Kairos Torch is currently operational in 10 locations across the United States. In 2006 Kairos Prison Ministry held 618 weekend programs in 309 ministry locations, including 502 Kairos Weekends, 80 Kairos Outside Weekends, and 36 Kairos Torch Weekends.

Horizon Communities

Horizon Communities is a nonprofit organization that was founded to provide faith- and character-based residential programs in prisons. Horizon Communities is an outgrowth of Kairos Ministry and is now considered a separate, multi-faith-based prison initiative. The first Horizon Community was established in 1999 at Tomoka Correctional Institution in conjunction with the Florida Department of Corrections. Currently, there are Horizon Communities active in five locations and four states. Horizon's mission is to prepare prisoners to live responsibly with others. Horizon also focuses on the successful reentry of prisoners to life outside of prison by providing time and opportunity for prisoners to practice new attitudes and behaviors.

The Horizon program consists of building respect for self and others and establishing a new link between the faith community and correctional institution for the rehabilitation of offenders. The Horizon program begins by holding a 2-day community event for participants. Volunteers play an important role as facilitators and mentors to the inmates throughout the program. Each Horizon program lasts for 12 months and has about 60 participants per class.

Horizon Communities has six core components that are provided during the completion of the program. These consist of individual weekly mentoring with volunteers; Journey, which is a 5-month small study group that focuses on manhood and fatherhood; Quest, a 7-month, volunteer-led, weekly small group that addresses the issues of anger, conflict resolution, relationships, and communication skills; Family Relations, which requires participants to write weekly letters to children and or family members; Transition Planning, a program that provides services to participants to increase their employability skills and successful reentry into the community; and Service to Others, which requires participants to perform some type of service to inmates who are disadvantaged in the correctional institution. Horizon Communities also encourages participation in faith-specific studies, which are available to all program participants. Participation in Kairos Outside is also encouraged for family members of incarcerated participants as a support system throughout the program.

Prison Fellowship

Prison Fellowship was founded in 1976 by Charles Colson, an ex-inmate who was imprisoned as a result of his involvement in President Richard Nixon's Watergate scandal. Colson, a born-again Christian, founded Prison Fellowship in collaboration with churches of all faiths and denominations. Prison Fellowship has become the world's largest outreach to prisoners, ex-prisoners, crime victims, and their families. Prison Fellowship has over 40,000 prison ministry volunteers and operates in over 100 countries worldwide. The goal of Prison Fellowship is for prisoners to become born again

through Jesus Christ and to grow as faithful disciples of Christ. The prison chaplains work directly with prison ministry volunteers to provide programming to inmates such as Bible studies, seminars, and special events.

One of the main programs of Prison Fellowship is the InnerChange Freedom Initiative, which began in 1997 in Texas in collaboration with the Texas Department of Criminal Justice. The InnerChange Freedom Initiative is a Christ-centered, faith-based prison program that focuses on the successful reentry of inmates back into the community as faithful servants of Christ. The main goal of the InnerChange Freedom Initiative is to create and maintain a prison environment that encourages respect for God and others and fosters the spiritual and moral transformation of prisoners. Prisoners take part in this program 18 to 24 months prior to their release date.

The InnerChange Freedom Initiative is divided into three phases that are completed by program participants. Phase 1 is heavily centered on the prisoners' spiritual transformation, with special attention given to education, work, and support to build a new foundation for a productive life. Phase 2 of the program tests the inmates' value system in real-life settings and prepares them for life after prison. Inmates spend much of their time working in off-site prison work programs or participating in the reentry portion of the program. Phase 3 consists of inmates being transferred to halfway houses or work-release programs to continue their reentry process. An aftercare ministry is provided to inmates once they have been released, which provides assistance for the many obstacles that ex-inmates face as they begin their new, Christ-centered life in the community.

A preliminary evaluation of the InnerChange Freedom Initiative was conducted by Byron R. Johnson and the late David B. Larson in conjunction with the Texas Department of Criminal Justice and Prison Fellowship. While this is a preliminary evaluation and its findings should be treated with caution, it does provide information regarding the types of prisoners who are participating in faith-based prison programs. The study participants (N = 177) were 67% Black, 16% Hispanic, and 18% White. The majority of study participants (52%) were less than 35 years of age. Offense type indicated that 50% of participants were drug offenders, 36% were property offenders, and 12% were violent offenders. Program completion rates by race include 37% of Blacks, 61% of Hispanics, and 45% of Whites. It should also be noted that of the initial 177 study participants, a substantial number of inmates were paroled early (n = 51), quit (n = 24) or were removed (n = 19) from the program for disciplinary reasons.

Meeting the Needs of African American Inmates

A large number of African Americans in prison are Muslim and practice the Islamic faith. In 2000 there were approximately 350,000 Muslims in federal and state prisons, with an estimated 30,000 to 40,000 added each year. It took several court cases in the 1960s, 1970s, and 1980s before Islam was officially recognized as a legitimate religion in the prison system. Though Muslims now have the right to freely practice their religious faith in prison, faith-based prison programs generally do not address the needs of non-Christian religions such as Islam. Some programs are considered multifaith, but the majority of faith-based prison programs are Christian oriented and Christ centered. Even more important than providing faith-based prison programs to rehabilitate offenders is addressing the specific religious needs of inmates. This will not only benefit the inmates who participate in faith-based programs, but it should also increase the completion rates of these programs and provide for a more successful reentry back into the community.

Jamie L. Weldon

See also Faith-Based Initiatives and Delinquency

Further Readings

Ammar, N. H., Weaver, R. R., & Saxon, S. (2004). Muslims in prison: A case study from Ohio state prisons. *International Journal of Offender Therapy & Comparative Criminology, 48*(4), 414–428.

Burnside, J., Loucks, N., Adler, J. R., & Rose, G. (2005). *My brother's keeper*. Portland, OR: Willan.

Camp, S. D., Klein-Saffran, J., Kwon, O. K., Daggett, D. M., & Joseph, V. (2006). An exploration into a faith-based prison program. *Criminology & Public Policy, 5*(3), 529–550.

Clear, T. R., Hardyman, P. L., Stout, B., Lucken, K., & Dammer, H. R. (2000). The value of religion in prison. *Journal of Contemporary Criminal Justice, 16*(1), 53–74.

Jang, S. J., & Johnson, B. R. (2004). Explaining religious effects on distress among African Americans. *Journal for the Scientific Study of Religion, 43*(2), 239–260.

Johnson, B. R. (2004). Religious programs and recidivism among former inmates in prison fellowship programs: A long-term follow-up study. *Justice Quarterly, 21*(2), 329–354.

Kennedy, S. S. (2003). Redemption or rehabilitation? Charitable choice and criminal justice. *Criminal Justice Policy Review, 14*(2), 214–228.

Kerley, K. R., Matthews, T. L., & Schulz, J. T. (2005). Participation in Operation Starting Line, experience of negative emotions, and incidence of negative behaviors. *International Journal of Offender Therapy and Comparative Criminology, 49*(4), 410–426.

McDaniel, C., Davis, D. H., & Neff, S. A. (2005). Charitable choice and prison ministries: Constitutional and institutional challenges to rehabilitating the American penal system. *Criminal Justice Policy Review, 16*(2), 164–189.

Family and Delinquency

Families are generally considered to be the primary agent of socialization. The impact of family on delinquency (defined here as a juvenile's violation of the penal code) has been theorized about and investigated for decades, across academic disciplines, and in diverse samples. As is the case with crime, minorities are often shown to be overrepresented in juvenile delinquency. Difference in family dynamics and structures is one of a number of potential explanations for this finding and, as such, has been heavily investigated. This entry summarizes theory, research, and findings regarding prevention and intervention.

Theories

There are numerous theories that focus on families as central to explaining crime. Control theories hold that delinquency results from inadequate controls instilled in a person by society. Families play a vital role in instilling values and norms acceptable by the social order. Travis Hirschi's social control theory explains the importance of establishing secure connections to conventional social institutions to decrease delinquency. Self-control theory, developed by Michael Gottfredson and Hirschi, contends that primary caregivers must instill adequate amounts of self-control in children prior to a given developmental age because lack of self-control leads to delinquency. Another class of theories consists of learning theories, which argue that delinquency is learned in interactions with close others, like family members, similar to how other learning occurs. In addition to these direct connections, families are indirectly implicated in macro-level theories that examine the neighborhood and economic strain as causes of delinquency. For youth, these important factors are generally determined by familial circumstance.

Research

Criminal Family

Crime generally runs in families. Studies have shown that a large percentage of arrested family members come from a small percentage of families. In addition, parental criminality is one of the strongest and most consistent predictors of a child's delinquency. Juvenile delinquency is also predicted by the criminality of other family members, including siblings, aunts, uncles, and grandparents. The impact of familial criminality on youth is stronger within sex than across sex. In other words, father criminality has a larger impact on sons than daughters (and vice versa).

There are numerous potential explanations for why family has such a strong impact, and many of them have been supported by research. There is research to support (a) a genetic component to criminality, (b) intergenerational transfer of criminal ideology and learning, (c) antisocial parents producing children who are attracted to antisocial partners, (d) familial criminality resulting from conditions of the environment, and (e) justice system bias against criminal families.

Parenting

One possible explanation for the impact of parental criminality on children's delinquency is

child rearing. Diana Baumrind theorized the importance of parenting styles (i.e., authoritative, authoritarian, neglecting/rejecting, or permissive) on children's behavior. Authoritative parenting is significantly related to a decrease in delinquency, and authoritarian parenting has been found to increase delinquency. However, there is good reason to believe the impact of parenting style is racially and culturally specific. Parenting styles that may be classified by Caucasian raters as authoritarian do not necessarily have the same impact on children of other racial and ethnic groups. In Chinese American families, authoritarian parenting has been shown to lead to better school outcomes, whereas it leads to poorer school outcomes for European American students. Similarly, authoritarian parenting is related to positive outcomes in African American children and is often interpreted by the child as parental warmth and concern.

Of factors related to child rearing, supervision/monitoring is the strongest correlate of later delinquency and is the most replicated finding. The quality, not the quantity, of supervision has been found to be important. If a youth is adequately supervised, there is little to no impact of having a working mother.

Another important child rearing factor is the type of discipline used. Harsh or erratic/inconsistent discipline significantly impacts a child's delinquency. Research has made a distinction between light physical punishments (e.g., spanking) and physical abuse. The use of light physical punishments during developmentally appropriate times, and in conjunction with warm and supportive parenting, has not been shown to lead to later delinquency.

There are racial and cultural differences related to the effect of physical punishment on youth. Physical punishment is more strongly related to antisocial and delinquent behavior in Caucasian children than in African American children. Context also matters: Exerting more control on children, like confining them to their homes, escorting them from place to place, or sending them to live away from home, is effective in reducing delinquency in high-risk areas, but potentially harmful in low-risk areas. This may be a partial explanation for why African American children, who are more likely to live in disadvantaged neighborhoods, are more receptive to more restrictive disciplinary measures.

Another parenting factor that has been shown to be important is a parent's emotional relationship with the child. A warm relationship can buffer other negative life events like divorce. Also, active parent involvement can decrease delinquent behavior.

Exposure to Violence, Abuse, or Neglect

In contrast to studies on the impact of light physical punishments, most studies find a link between exposure to violence or being the victim of abuse (physical or sexual) and later offending. Childhood exposure to marital violence has been significantly associated with engaging in marital violence as an adult, but the quality of parenting is a more important factor.

An estimated 30% of abused parents abuse their children—a rate 15 times higher than nonabused parents. Abused mothers who did not abuse their children appear to have had nonabusive adults in their childhood or had stable romantic partners in adulthood. Women who were physically abused during childhood are also more likely to experience domestic violence as adults.

In addition, being a victim of sexual abuse as a child is linked to perpetration of sexual offenses later. One study found that 42% of sexual abusers had been sexually abused. Another study found that daughters of women who were sexually abused as children were 12 times more likely to be sexually abused (even if the mother did not participate in the abuse). Children that were sexually abused are at a greater likelihood for delinquency, suicidal ideation, and prostitution.

Family Structure

The structure of the family matters. Children of divorce have an increased rate of delinquency from children of two-parent homes. Family breakup has been linked to increased conflict, weakened attachment to parents, and more vulnerability to peer pressure and delinquency. The effect of divorce on children has been shown to be worse than the loss of a parent due to death. The impact of divorce is likely mediated by conflict in the home, less effective parenting, or increased stress caused by the challenge of single parenting. High-conflict but "intact" homes produce more delinquency than does divorce, but both scenarios

produce more delinquency than low-conflict, intact homes. There are two important notes regarding these findings: First, results regarding the impact of divorce have been stronger in predicting minor forms of delinquency than more serious offenses. Second, there is a stronger link between official data and broken homes than self-report data, suggesting a bias by police and court officials. Studies have even shown that the absence of parents has a greater impact on juvenile justice officials' decisions than does the actual behavior of the child.

Single motherhood is predictive of delinquency in youth, but other factors likely mediate the relationship. There is support for the idea that single mothers suffer extreme stress due to economic disadvantage. About 60% of female-headed households live below the poverty line, and African American women are overrepresented. Extreme stress then leads to ineffective parenting, which leads to delinquency. In support of these findings, studies have shown that, as child support increases, problem behavior in children decreases. There is no evidence that the frequency of paternal contact is a good predictor of delinquency, but the type of parenting of the nonresidential father is related to the externalizing behaviors of daughters and sons.

As the divorce rate has increased, so has the rate of remarriage and the creation of "blended families." Hispanic and African American children are more likely than Caucasian children to be part of blended families. Remarriage has not been shown to alleviate the impact of divorce. In fact, the presence of stepfamilies has been found to increase delinquency and behavior problems in school, more so than for children whose parents never remarry. Numerous changes in parental figures further increase behavioral problems in youth. A positive relationship with the stepparent typically leads to better outcomes.

Other changes in the "typical" family structure include multigenerational families. One in five African American families live in multigenerational or extended-family households (i.e., families with or without parents that include grandparents or other family members in the home) as compared with one in ten Caucasian families. Studies show that youth have better outcomes, including conduct, in multigenerational families than in single-parent families.

Family Size

Larger families produce more delinquent children than do smaller families. Also, being a middle child is more predictive of delinquency than being either the eldest or youngest. One common explanation for this result is a straining of resources in larger families and an inability to provide appropriate monitoring and supervision. Scholars suggest that middle children are more likely to be present during the times of strain (i.e., older children leave the home first and younger children remain when there is not as much demand for parental resources).

Poverty

Poverty has been linked to crime. Approximately 18% of children under the age of 18 live in poverty. Children who grow up poor have a number of negative life outcomes, including delinquency. A closer look at the impact of socioeconomic status, however, suggests that economic strain plays an important role likely because increased stress decreases effective parenting, a situation that leads to delinquency in children.

Neighborhood

Research on neighborhoods has produced significant results. Collective socialization, or the participation of the community in raising the children, has a beneficial impact on the rate of delinquency among these youth. A longitudinal study of African American families showed that children who lived in a community high in collective socialization were less likely to associate with delinquent peers even when controlling for other important factors (e.g., parenting, poverty, school).

Prevention and Intervention

Given the important role families play in the socialization of children, numerous programs have been implemented to prevent familial contribution to delinquency or to intervene once a problem has been realized. Years of program evaluations have produced a number of effective family-based prevention programs. Parent training on appropriate and effective child-rearing

techniques has been found to reduce delinquency by 20%. Home visitation with new parents, a program that educates parents about their infants, has reduced delinquency by 12%. Meta-analytic studies have also shown that intervening in the family once delinquency has been identified as a problem can have a significant impact on rates of recidivism. About three quarters of studies show significant improvement when families volunteer for intervention.

Kristy N. Matsuda

See also At-Risk Youth; Child Abuse; Juvenile Crime

Further Readings

Farrington, D. (2002). Families and crime. In J. Q. Wilson & J. Petersilia (Eds.), *Crime: Public policies for crime control* (pp. 129–148). Oakland, CA: Institute for Contemporary Studies.

Farrington, D. P., & Welsh, B. C. (2007). *Saving children from a life of crime: Early risk factors and effective interventions*. New York: Oxford University Press.

Latimer, J. W. (2001). A meta-analytic examination of youth delinquency, family treatment, and recidivism. *Canadian Journal of Criminology, 43,* 237–253.

Loeber, R., & Stouthamer-Loeber, M. (1986). Family factors as correlates and predictors of juvenile conduct problems and delinquency. *Crime and Justice, 7*, 29–149.

Simons, R. L., Simons, L. G., & Wallace, L. E. (2004). *Families, delinquency, and crime: Linking society's most basic institution to antisocial behavior*. Los Angeles: Roxbury.

Fear of Crime

Definitional ambiguity regarding fear of crime is pervasive; however, most researchers relate it to being afraid of becoming a victim of crime when frequenting public areas. Fear of crime gained national recognition in the 1960s as a viable topic of social research when it was identified as a pervasive social problem whose impact was detrimental to the structure of civilized society. Long acknowledged as a public malady, it is believed to result in communities characterized by loss of solidarity and communal spirit. Communities overcome by fear of crime are places where individuals isolate themselves from one another and no longer live as the social animals they are. Left unchecked, fear of crime can result in people becoming suspicious of one another such that they willingly give up freedom and support for democracy. Understanding fear of crime is important to the study of race and crime because many crime victims and residents of communities plagued with violent crimes and drugs experience higher levels of fear; thus fear of crime has greater impact on their lives.

The public's perception of crime and their fear of crime differ significantly from the reality of crime. This disjuncture between fear of crime and the reality of crime is understandable when one recognizes that the fear of crime has become politicized in much the same way as has crime. Fear of crime has been used to convince the public that crime is rampant and that a society free of crime and its fear must submit to social control policies designed to alleviate the problem. Although fear of crime can be resolved with social control measures, excessive social control can result in an unjustifiable surrender of freedom. Living in a democracy that strives for maximum individual liberty and freedom dictates that society surrender only the amount of freedom or liberty that is necessary for society to function in a stable and orderly fashion. The difficult task is to prescribe only the amount of social control needed to resolve the specific problem without unnecessary loss of freedom and liberty. Development of public policies that enhance rather than reduce quality of life is an issue that is basic to the scientific understanding of the fear of crime.

An examination of the relationship between Americans' fear of crime and politics indicates that the 1960s witnessed the beginning of the politicizing of the fear of crime with a government report titled *The Challenge of Crime in a Free Society,* which reportedly became the basis for the Omnibus Crime Control and Safe Streets Act of 1967. Since that time, political strategists have exploited the public's suggestibility about crime and its capacity to incite human emotion. Evidence of its politicization is perhaps best exemplified through its past use in national presidential campaigns. For example, political strategists for Richard Nixon co-opted public fears stemming from the civil rights movement and protests against the war in Vietnam in the

1968 War on Crime campaign. Several years later, Reagan's strategists used the public's fear of crime in the War on Drugs campaign. In George H. W. Bush's 1988 presidential campaign, political strategists co-opted the public's ignorance of the criminal justice system and the emotional nature of one criminal incident to create a fear of crime that the public associated with the Willie Horton case. In George W. Bush's 2004 campaign for the presidency, the public's fear of criminal victimization by terrorists was used not only as a political platform but also to justify a war, that is, the War on Terror.

Even though researchers have been studying fear of crime since the 1960s, definitional ambiguity regarding fear of crime continues to be pervasive. Some of the more common measurement criticisms include lack of standardization of measures of fear of crime, intermingling of fear of crime with other fears, fear of anticipated victimization rather than fear of crime, and a confounding of fear of crime with risk or vulnerability to crime. Researchers suggest that the dimensions of fear can be biological, sociological, and psychological. Biologically, fear involves a series of complex changes in bodily functions that alert individuals to potential dangers. Sociological explanations tend to focus on fear as a social phenomenon, an event that takes place in a social setting that is performed by social animals whose lives and experiences are dominated by culture. On the other hand, psychological explanation of fear suggests that it is best described as the emotional reaction of anxiety to a sense of danger or a threatening situation. Because fear of crime is a multidimensional phenomenon that is not bounded by victimization, social interaction, or physical environment, its understanding requires an interdisciplinary approach that considers the physical environment, the state of the organism, and social interaction.

Even though there is little consensus about the best approach to measuring fear of crime, one of the most common, single-item indicators of fear of crime is whether there is any area within a mile of an individual's neighborhood where he or she would be afraid to walk alone at night. Most researchers recognize the validity problems associated with the preceding measure; that is, it lacks specificity with regard to fear of what, and its frame of reference (neighborhood) is open to interpretation. Most researchers recommend the use of multiple-item indicators such as indexes; however, consensus is still lacking on the most reliable or valid measure of fear of crime.

What people fear most is being a victim of a violent crime; however, they are more likely to be a victim of a property crime. The public's misperception of crime is believed to result from the media and government's portrayal of arrest statistics and prison populations as well as fictionalized presentations of crime that do not reflect an accurate picture of crime.

Fear of crime research indicates that the elderly, females, African Americans, the less educated, and property owners report the highest levels of fear of crime. Conversely, young adults, those at greatest risks for criminal victimization, report the lowest levels of fear of crime. Over the years researchers have explained why those with less chance of crime victimization report greater levels of fear. For example, the elderly are more fearful because they are probably less physically able to defend themselves, and women are more fearful because they may confound fear of crime with fear of being raped and also see themselves as less capable of defending themselves.

Even though much research on fear of crime has been conducted, continued research of fear of crime is necessary as fear can affect anyone, both victim and nonvictim. Additionally, it is often exaggerated such that it bears little relation to the reality of crime, thus having the capacity to negatively affect the quality of life experienced by all.

Elizabeth H. McConnell

See also Omnibus Crime Control and Safe Streets Act; President's Commission on Law Enforcement and Administration of Justice; Television News; Victimization, African American; Victimization, Asian American; Victimization, Latina/o; Victimization, Native American; Victimization, White; War on Terror

Further Readings

Chiricos, T., Padgett, K., & Gertz, M. (2000). Fear, TV news and the reality of crime. *Criminology, 38,* 755–785.

Ferraro, R. (1995). *Fear of crime: Interpreting victimization risk*. Albany: SUNY Press.

Lee, M., & Ulmer, J. (2000). Fear of crime among Korean Americans in Chicago communities. *Criminology, 38,* 1173–1206.

Smith, S. (1987). Fear of crime: Beyond a geography of deviance. *Progress in Human Geography, 11*(1), 1–23.

Felon Disenfranchisement

Perhaps one of the most pertinent topics in the subject of race and crime is that of felon disfranchisement. Because felon disenfranchisement laws singlehandedly ban a large percentage of minority voters from participating in elections as a result of experiences with the criminal justice system, this topic is pertinent as it impacts not only these minorities but elections within the United States as well. This entry examines the current status of felon disenfranchisement laws in the United States, the historical background against which they emerged, and their impact on the African American population, partly as a result of the War on Drugs.

Current Felon Disenfranchisement Laws

Felon disfranchisement is a recent concern in the area of race and the criminal justice system. These state-level laws prevent people with felony convictions from voting in a particular state. The time period for which voting is banned may be the period of incarceration, the time on parole, or, in some states, the duration of an offender's life. This is a critical concern in ethnic studies because the individuals being affected by these laws are primarily minorities. The laws are of particular concern for African Americans, because national data demonstrate a disproportionate number of African Americans in prison: An estimated 13% of African American men are unable to vote as a result of a felony conviction. However, these policies also impact Hispanic voters and other minorities. Many of these offenders and former offenders have been incarcerated under drug laws in the United States.

According to the Drug Policy Alliance, the United States is the only democracy where citizens are banned from voting even after their sentence has been served. Currently, an estimated 5.3 million people in the United States cannot vote as a result of a felony conviction; this statistic includes individuals who are banned from voting because they are currently incarcerated for a felony conviction, individuals banned because they are currently on parole for a felony conviction, and individuals who are banned because they currently reside in a state whose felon disenfranchisement laws ban felons for the duration of their lives.

The Sentencing Project provides the most recent statistical information concerning felon disenfranchisement laws in the United States. Some of the most interesting findings relevant to the study of race and crime from the Sentencing Project include that 48 states and the District of Columbia prohibit inmates from voting while incarcerated for a felony offense; only Maine and Vermont allow inmates to vote. Thirty-five states prohibit felons from voting while they are on parole, and 30 of these states exclude felony probationers. Two states, Kentucky and Virginia, currently deny the right to vote to all ex-offenders who have completed their sentences; a third state, Florida, has now modified its policies to extend voting rights to some offenders who have completed their sentences; however, given the difficulty offenders face in order to have their rights restored in Florida, many individuals still consider this to be a third state of permanent disenfranchisement. Nine states disenfranchise certain categories of ex-offenders and/or permit application for restoration of rights for specified offenses after a waiting period (e.g., 5 years in Delaware and Wyoming and 2 years in Nebraska). Each state in the United States has developed its own processes of restoring voting rights, but, according to the Sentencing Project, most policies offering restoration of voting rights are extremely cumbersome and discourage many individuals from taking advantage of them. Table 1 shows disenfranchisement policies by state.

Many states in the United States have had felon disenfranchisement laws embedded into their individual state constitutions. As stated, these laws typically outline that felons are prohibited from voting during the time period for which they are incarcerated for a felony conviction, during the time period they are on parole for a felony conviction, and/or for their entire life span. In recent

Table 1 Disenfranchisement Categories Under State Law

State	*Prison*	*Probation*	*Parole*	*All*	*Postsentence Partial*
Alabama	X	X	X		X
Alaska	X	X	X		
Arizona	X	X	X		X (2nd felony)
Arkansas*	X	X	X		
California	X		X		
Colorado	X		X		
Connecticut	X		X		
Delaware	X	X	X		X (certain offenses 5 years)
District of Columbia	X				
Florida	X	X	X		X (certain offenses)
Georgia	X	X	X		
Hawaii	X				
Idaho	X	X	X		
Illinois	X				
Indiana	X				
Iowa	X	X	X		
Kansas	X	X	X		
Kentucky	X	X	X	X	
Louisiana	X	X	X		
Maine					
Maryland	X	X	X		
Massachusetts	X				
Michigan	X				
Minnesota	X	X	X		
Mississippi	X	X	X		X (certain offenses)
Missouri	X	X	X		
Montana	X				
Nebraska	X	X	X		X (2 years)
Nevada	X	X	X		X (except first-time nonviolent)
New Hampshire	X				

(Continued)

Table 1 (Continued)

State	*Prison*	*Probation*	*Parole*	*All*	*Postsentence Partial*
New Jersey	X	X	X		
New Mexico	X	X	X		
New York	X		X		
North Carolina	X	X	X		
North Dakota	X				
Ohio	X				
Oklahoma	X	X	X		
Oregon	X				
Pennsylvania	X				
Rhode Island	X				
South Carolina	X	X	X		
South Dakota	X		X		
Tennessee	X	X	X		X (certain offenses)
Texas	X	X	X		
Utah	X				
Vermont					
Virginia	X	X	X	X	
Washington*	X	X	X		
West Virginia	X	X	X		
Wisconsin	X	X	X		
Wyoming	X	X	X		X (certain offenses 5 years)
U.S. Total	**49**	**30**	**35**	**2**	**9**

Source: The Sentencing Project (2008).

* Failure to satisfy obligations associated with convictions may result in postsentence loss of voting rights.

years, many states in the United States have become virtual battlegrounds on felon disenfranchisement. This battleground has played out in print news reports, media coverage, attacks on the credibility of politicians in the states, as well as other prominent sources, all of which are examined in this entry. In the past few years, there have been policy changes in approximately 17 states.

The issue of voting rights in Kentucky, one of the two states that ban all ex-felons from voting, has been a prominent battleground in recent years and has led to attacks on the credibility of two of Kentucky's prominent governors, Paul Patton and Ernie Fletcher. Section 145 of the Kentucky Constitution states that people are disenfranchised if they have been convicted of treason, of a felony,

or of bribery in an election, and also if they are imprisoned at the time of the election or if they are "insane." In 2008, the Kentucky House of Representatives passed a constitutional amendment that would extend voting rights to some ex-offenders and require the Department of Corrections to inform and help eligible offenders in completing the restoration process. However, the Senate must also pass it, and then it must be approved by citizens in a statewide election. In several other states, however, more extensive legal changes have been made. For example, the lifetime ban imposed on felons in the state of Delaware was changed in 2000 to allow for rights to be restored to these offenders following a 5-year waiting period following the completion of their sentence. The change implemented in the state of Delaware enabled an estimated 6,355 individuals convicted of a felony offense to regain their voting rights. In the state of Texas, a mandatory 2-year waiting period prior to voting rights being restored was removed, which resulted in approximately 316,981 offenders who were restored their voting rights. Connecticut restored voting rights to probationers, thus reinstating the voting rights of approximately 33,040 offenders.

Historical Background

Felon disenfranchisement laws can be linked to several different contexts throughout the history of the United States. Recent literature has attempted to analyze the origins and development of the state felon disenfranchisement laws by building on theories of group threat to test whether racial threat influenced the passage of such laws. Many of these felon disenfranchisement laws were passed in the 1860s and 1870s when there was great opposition to the extension of voting rights to African Americans. Although they initially appear to be race-neutral, they are not, because of disproportionate imprisonment rates for minorities, especially young African American men.

Perhaps the most interesting point during the time period of disenfranchisement laws in the United States is the Reconstruction period, in part due to the adoption of the Fourteenth Amendment to the U.S. Constitution, which extended citizenship to former slaves, and the Fifteenth Amendment, which prohibited the use of race as a basis for denying the right to vote. The enfranchisement of African Americans and other minorities threatened to shift the balance of power in the United States. Some scholars suggest that disenfranchisement laws represented a backlash to the threat of a shift of power among racial groups in the United States. Recent literature makes a connection between disenfranchisement, lynching, and racial violence in the United States; some scholars argue that such violence was the forerunner to legislation establishing disenfranchisement in the United States.

Drawing on research on ethnic competition and criminal justice, some scholars consider several ways that felon disenfranchisement could be linked to racial factors such as the perceived threat of African Americans. Behrens, Uggen, and Manza, prominent researchers in this field, raise two critical questions that are essentially the foundation of their analysis. The first deals with the race neutrality, at least on the face, of felon disenfranchisement laws. The second pertains to the shift in racial politics. These scholars link current disenfranchisement laws in the United States to Jim Crow laws and the Black Codes, which represented efforts to minimize the political power of those minorities enfranchised by the Fourteenth and Fifteenth Amendments. In 1850, approximately one third of the states had ex-felon disenfranchisement laws in place, and this number continued to grow to three fourths of the states by the year 1920; however, several of these rights were restored during the 1960s and 1970s when many of these laws were amended.

Impact of Felon Disenfranchisement Laws

The Sentencing Project focuses its attention on the impact of felon disenfranchisement laws in the United States. As noted, it is estimated that more than 5 million people have lost their voting rights as a result of having a felony conviction on their record. It is important to keep in mind, however, that this statistic as well as the others accounted for individuals who have lost their voting rights for the time period during which they were incarcerated, the time period on probation, or for the remainder of their lives. Statistics provided by the Sentencing Project estimate that 5.3 million

Americans, or 1 in 40, have currently or permanently lost their voting rights; 1.4 million (13%) African American men are disenfranchised; and nearly 700,000 women are currently disenfranchised. Also, approximately 2.1 million disenfranchised individuals are ex-offenders who have served out their sentences.

Public Opinion on Felon Disenfranchisement

Critical to the issue of the ban of felony voters in the United States is the question whether this is actually what Americans want. Recent literature has examined public attitudes toward felon disenfranchisement. For example, in a 2004 telephone research survey in *Public Opinion Quarterly*, Manza and associates found a 72% endorsement rate for restoring voting rights to felons convicted of drug-related crimes. Further, this survey suggests that approximately 80% of those surveyed favored enfranchisement, with 52% favoring enfranchisement for former sex offenders as well. Additionally, 66% of those surveyed believed ex-felons who have served their entire sentences should have full voting rights. With these findings, one major question posits: If Americans are willing to extend civil liberties to felons, why are the state policies still denying these rights? This statistic provides evidence, at some level, that Americans are not afraid of the "Black criminal vote." Concerning the predicted future impact of disenfranchisement practices in the United States, the Sentencing Project predicts that 3 out of 10 of the next generation of African American men will be disenfranchised at some point in their lifetime. Furthermore, as many as 40% of African American men will lose their voting rights for the duration of their lifetime in states that disenfranchise ex-felons.

The War on Drugs and Politics

Felon disenfranchisement laws have a direct link to the War on Drugs because of the large number of minorities, especially African Americans, who are incarcerated as a result of felony drug convictions. The high incarceration rates for African American men are in large part a result of the War on Drugs in the United States. With a felony drug conviction on their record, these African American men lose perhaps the most important right this nation offers—the right to vote. The modern effects of this punitive war have created many backlashes: The major concern here is the disenfranchisement of African Americans. The United States is the only democracy in the world to disenfranchise its citizens even after their sentences are complete. One of the most prominent researchers studying this link is Boyd, who discusses the impact of felon disenfranchisement in the 2000 presidential election as a result of the War on Drugs. At the time of the 2000 elections in the state of Florida, any drug offense was considered a felony, causing the offender to lose voting privileges for life. While the outcome of the election came down to only a few hundred votes in Florida, more than 200,000 African American men in Florida could not vote in that election as a result of a felony conviction. This number represented approximately 31% of all African American men in the state of Florida.

Sherry Lynn Skaggs

See also African Americans; Black Codes; Crime Statistics and Reporting; Disproportionate Incarceration; Drug Sentencing; Lynching; National African American Drug Policy Coalition; Sentencing Project, The; War on Drugs

Further Readings

Behrens, A., Uggen, C., & Manza, J. (2003). Ballot manipulation and the menace of negro domination: Racial threat and felon disenfranchisement in the United States, 1850–2002. *American Journal of Sociology, 109*(3), 559–605.

Benedict, W. R., & Huff-Corzine, L. (1997). Return to the scene of the punishment: Recidivism of adult male property offenders on felony probation, 1986–1989. *Journal of Research in Crime and Delinquency, 34*(2), 237–252.

Boyd, G. (2001). The drug war is the new Jim Crow. *NACLA Report on the Americas, 35*. Retrieved from http://www.aclu.org/drugpolicy/racialjustice/10830pub20010731.html

Drug Policy Alliance Network. (2005). *Drugs, police, and the law: Voting rights*. Retrieved from http://www.drugpolicy.org/law/felon

Giboney, S. (2004, June 28). *Challenge to felon voting ban fails, but fight goes on*. Retrieved from http://www.commondreams.org/headlines04/0628-10.htm

Graffam, J., Shinkfield, A., Lavelle, B., & McPherson, W. (2004). Variables affecting successful reintegration as perceived by offenders and professionals. *Journal of Offender Rehabilitation, 40*, 1–2.

Jablecki, L. T. (2005). Changing the lives of prisoners: A new agenda. *The Humanist, 65, 6*.

Kentucky Constitution, Section 145, Ratified November 8, 1955. Retrieved September 2, 2008, from http://www.lrc.ky.gov/Legresou/Constitu/145.htm

Manza, J., Brooks, C., & Uggen, C. (2004). Public attitudes toward felon disenfranchisement in the United States. *Public Opinion Quarterly*, *68*, 2.

Nolan, J. L., Jr. (2001). *Reinventing justice: The American drug court movement*. Princeton, NJ: Princeton University Press.

Richards, S., Austin, J., & Jones, R. (2004). Kentucky's perpetual prisoner machine: It's about money. *Review of Policy Research*, *21*, 1.

The Sentencing Project. (2005). *Felony disenfranchisement laws in the United States*. Washington, DC: Author.

The Sentencing Project. (2008, March). *Felony disenfranchisement laws in the United States*. Retrieved from http://www.sentencingproject.org/PublicationDetails.aspx?PublicationID=335

Uggen, C., Manza, J., Thompson, M., & Wakefield, S. (2002). *Impact of recent legal changes in felon voting rights in five states* (Briefing paper prepared for the National Symposium on Felony Disenfranchisement, September 3–October 1, 2002, Washington, DC). Retrieved from http://www.sentencingproject.org/Admin/Documents/publications/fd_bs_impactinfivestates.pdf

White, W. L. (1998). *Slaying the dragon: The history of addiction treatment and recovery in America*. Bloomington, IL: Chestnut Health Systems/Lighthouse Institute.

Female Gangs

Much of the literature available on gangs has largely ignored the presence and significance of female gangs. Historically, researchers viewed female gangs as poor imitations of male gangs. The study of female gangs has become increasingly important because of the rise in the number of female gangs in recent years. It is appropriate that female gangs be included in this body of work because of the prevalent role that race plays in the makeup of both male and female gangs and because of the proliferation of the female gang in modern society.

History of Female Gangs

The recent history of female gangs can be traced back to the 1960s when female members acted as helpmates to male gang members. Although the females considered themselves to be authentic gang members, they were most often limited to duties such as sewing gang insignia on male members' jackets, running errands, and relaying messages, or they were restricted to the role of the girlfriend of a gang member. During the early years, this was sufficient for most female gang members, but as time progressed many of them began to desire a more prominent role within their gang.

As female gangs struggled to emerge from the shadows of their better-known counterparts, they fought to shed the image held by many outsiders that relegated them to the role of sexual partners for male gang members. Although some literature supports this assertion, some female gang members in surveys have strongly denied the claim that their primary value to the gang family was sexual in nature. Female gang members struggled not only to remove the stigma of being considered a sex object but also to prove their worth and value to the gang.

Female Gang Statistics

The 1980s brought an increase in the number of gangs across the United States, and the number of female gangs increased substantially during this period. This trend corresponded with the nationwide increase in juvenile delinquency, as the number of gangs proliferated and the level of gang violence rose to unimaginable heights. Although it was widely accepted among social scientists that female gang membership increased throughout the years, it has been difficult to accurately portray the number of females who hold membership in a gang because of the way that gangs and gang membership are defined and studied.

The methods used to research gang affiliation have contributed to the difficulty in accurately determining the number of female gang members

across the United States. One of the most widely used methods of gang research is the survey method. Associated problems with this method include the exaggeration of gang membership and gang activities by those female members surveyed and conversely, the distrust that some gang members may have of the researcher. Criminologists have also suggested that it was possible for the number of female gang members to be underreported because some law enforcement agencies are hesitant to label females as gang members.

It has also been difficult to accurately portray the number of female gangs because of the way in which gangs are defined. While some female groups related to researchers that they were gangs, it has been difficult to distinguish whether they belonged to true gangs or loosely formed groups. Pop media has made the gang life attractive through portrayals of gang culture by means of insignia, clothing, gestures, and tattoos. Movies, music, and music videos present gang life in a way that captures the attention and fills a void for some juveniles. As a result, they copy what the pop media portrays as a gang and combine that with their limited ideas of what constitutes a gang. Not only are youth influenced by pop media's portrayal of gang members, so is the general public. Pop media contribute to perceptions that most gangs are overwhelmingly made up of minority youth. However, some groups are mistakenly identified as authentic gangs when they are merely loosely formed groups. It has also been difficult to accurately quantify the number of female gang members because of the propensity of researchers to focus only on researching the activities of male gangs. Miller suggested that up to 10% of all gang members were females. Recently, researchers have suggested that female gang membership has increased, albeit at a slower rate than male gangs.

Reasons for Gang Membership

Within the context of female gangs, several themes are commonplace in research on female gang formations, female gang members, and gang preservation. With respect to gang formation, in general, and female gangs, in particular, most findings suggest that gangs are formed for a variety of reasons, including physical protection, economic prosperity, companionship, and drugs. Traditional gang members, consistent with today's female gangs, are the by-products of socially disorganized communities characterized by inferior living conditions, broken family structures, limited employment opportunities, and inadequate school systems. Gangs and their associated vices more easily emerge within these areas of dense poverty and hopelessness. In these socially disorganized communities, female gangs are greater in number and tend to use violence more readily. The emergence of a "drugs for profit" phenomenon also fosters gang formation. The ethnic composition of such neighborhoods is disproportionately minority.

Gangs also form and survive because of the characteristics of its members. The typical female gang members, like male gang members, tend to be by-products not only of inadequate community structures but also of severely dysfunctional homes. Typically, female gang members have been subjected to verbal, physical, or sexual abuse in both their community and home lives at very young ages. Within the context of the family as well as the community, these individuals typically saw problems resolved through violence. Thus, when they encounter problems in their lives, they employ violence as a solution. Further, for many female gang members, the gang is the nearest semblance to a family that most have experienced. In the eyes of the female gang member, the gang, like a family, provides protection, security, and an identity.

Preservation of the gang unit is common because gangs exist in neighborhoods that condone criminal and delinquent activities. From this perspective, gangs may more easily thrive because many people within the context of such communities feel helpless against the gangs.

Ethnicity and Gender Issues

Gender inequality is a significant theme in discussions of female gangs. Female gang members typically view themselves as equal to the male gang members with whom they have aligned themselves. Female gang members may also feel that through gang membership, they gain the respect of male gang members in their families and even the respect of persons outside the gang. Typically male gang members have treated females as lower-class

citizens within the gang community. Despite the female gang members pledging unbridled loyalty to the gang, it is not uncommon for them to be sacrificed in some way, reportedly for the good of the gang. In some male gangs, the female members are expected to be available to satisfy the sexual needs and desires of the male members. In some cases, the test of loyalty to the gang involves the female member responding favorably to the request from gang leadership to welcome the newest gang member or to reward a member for acting satisfactorily on behalf of the gang. In most mixed gangs, female members have little power and are considered a disposable commodity.

Instances of gender inequality occur not only at the hands of male gang members but also female gang members. It is not uncommon for female members to refer to other females using derogatory names and to deny the ability of females to carry out positions of leadership or hold some measure of status or rank within the gang. Additionally researchers have found that female gang members do not value other female gang members who are initiated by "sexing in"—that is, engaging in sex with male members of the gang for the purpose of initiation. Although the activities of female gangs would suggest that they have little regard for social mores and values, they do have high expectations of their peers, especially regarding their conduct.

The racial makeup of female gangs has become more varied over time. The largest racial group represented has been African Americans, followed closely by Hispanics/Latinas. There are indications that White and Asian gangs are growing in number. Although rare, mixed ethnicity may occur in loosely formed gangs. There is a scarcity of research studies available on female gangs; those that exist have for the most part dealt with African American, Hispanic/Latina, and White gangs. Although different in racial makeup, these gangs have several commonalities, including the reasons for gang membership, similar academic challenges, and a history of physical, sexual, or domestic violence in their family backgrounds. In comparison to male gangs, available research has found that female gangs of all ethnicities tend to place a higher value on both the economic benefits and the emotional connectedness offered through gang membership.

Violence and Criminality

Past research has shown that in their quest to prove their toughness and value as gang members, females may mimic the behavior and actions of male members. Just like their male counterparts, female gang members show no reluctance to fight. It is not uncommon for female gang members to be just as violent in the commission of their delinquent or criminal activity in an effort to earn the acclaim that oftentimes is bestowed upon male gang members. In spite of their gender, females are intent upon presenting their gang as a true and genuine gang and not just an affiliate of a male gang. Some of the activities of modern female gang members include street fights, mugging, shoplifting, petty theft, assaults with weapons, and the distribution of illegal substances.

Although criminal acts by female gang members have traditionally been less violent than those of male gang members, current trends show increases in violence and criminality among female gang members with offenses like aggravated assault, drug offenses, prostitution, and weapon-related offenses. Drug offenses are common to female gangs, as selling drugs is often the primary source of financial support for female gangs.

Future Research and Policy

Female gangs have transitioned from an auxiliary component of male gangs to modern independent gangs increasingly prone to violent activities. Faced with the "get-tough movement," most female gang members subjected to harsher criminal justice sanctions are seeing their children become wards of the state. Thus society is faced with the problem of confronting more violent female gang members and simultaneously caring for their offspring. With the problem of female gangs expanding, solutions to suppress and reduce their influence in American society must come more readily, and the problem of female gangs must be addressed holistically.

By removing the root causes that contribute to gang membership through better jobs, better schools, and better businesses, society will be better positioned to curtail gang growth. The lack of current and available research on female gangs

suggests that there is much for researchers to do to begin effectively combating the ever-increasing numbers of young girls joining female gangs and their violent subculture. Although there are similarities between male and female gangs, the differences between them are significant enough to warrant increased attention to female gangs.

Tonya Y. Willingham and Willie M. Brooks

See also Female Juvenile Delinquents; Violent Females; Youth Gangs

Further Readings

Decker, D. C. (1998). *Confronting gangs*. Los Angeles: Roxbury.

Miller, J. (2001). *One of the guys: Girls, gangs, and gender*. New York: Oxford University Press.

Molidor, C. E. (1996). Female gang members: A profile of aggression and victimization. *Social Work*, *41*(3), 251–257.

Moore, J., & Hagedorn, J. M. (2001, March). Female gangs: A focus on research. *Juvenile Justice Bulletin*. Retrieved from http://www.ncjrs.gov/html/ojjdp/jjbul2001_3_3/contents.html

Sikes, G. (1994, February). Girls in the 'hood. *Scholastic Update*, *126*, 20–22.

Female Juvenile Delinquents

Girls are the fastest growing population in the juvenile justice system. In 2003, they accounted for 29% of all juvenile arrests, yet they are rarely the focus of research. In a correctional system designed for boys and men, girls have proceeded through the juvenile justice system as the "forgotten few." Historically, literature and research ignored girls, even though they were being referred to the juvenile justice system as long ago as 1900. It has been suggested that gender and race, separately and in conjunction, influence juvenile justice processing. This entry addresses the issues of female juvenile delinquents by reviewing the role of gender and race in the original juvenile court, exploring the offenses that are generally responsible for girls entering the system, and discussing the unique characteristics of female delinquents.

Gender is one of the single best predictors of crime. The juvenile justice system deals predominantly with boys, and until recently, female delinquency has not been considered a serious problem. Girls are generating more attention from law enforcement and the media, and the past decade specifically has witnessed a significant increase in the number of girls entering the system.

History

The first juvenile court was established in 1899 in Cook County, Illinois. Although fewer girls than boys appeared before the court, the number of girls increased in the early 20th century. During this time, the sexuality of girls was considered to be an appropriate issue for law enforcement, and nearly 80% of girls brought to juvenile court were charged with immorality. Similarly, the other common charge for girls was incorrigibility, which was frequently used to charge the girls in lieu of immorality as an attempt to protect their reputations. Activities such as riding in a closed automobile, loitering in a department store, inhabiting a furnished room with a young man, or even shimmying on a roadhouse dance floor were considered inappropriate for girls and could lead to charges of incorrigibility. The incarceration of girls was a measure intended to keep them safe and "pure." Unlike boys, girls were not eligible for probation, and consequently they were incarcerated at a higher rate than boys. Training schools were used to prepare the girls for their future roles as wives and mothers.

Court records indicate that the delinquent girls who first appeared in Chicago's Cook County courtroom were poor and working-class girls from immigrant and African American migrant families. African American girls were particularly affected by the overcrowded courts and delayed case processing. The only institution to which African American girls could be admitted was the State Training School for Girls at Geneva, which accepted only a few girls at a time. The State Training School at Geneva was a state-run institution where delinquent and dependent girls were confined, educated, and reformed. When the school was full, delinquent girls were held in the Juvenile Detention Home until spaces became available at the school.

This process could take as long as 6 months. As a result of segregation in these institutions for juveniles, African American girls were incarcerated longer than were their White counterparts.

This trend of longer incarceration periods for African American girls seems to have changed very little through time. Race continues to influence juvenile justice processing. For example, research contends that African American youth are 3 times more likely than White youth to end up in residential placement. It is well documented that, as with incarcerated adults in the criminal justice system, minority youth are overrepresented in the juvenile justice system.

Types of Offenses

As the juvenile justice system evolved over time, girls continued to be referred to the court for lesser offenses, particularly status offenses. Status offenses are offenses that would not be considered criminal if the youth had reached the age of majority, such as curfew violations, running away from home, truancy (not attending school), and drinking alcohol. In 2000, 58% of all status offenders were girls, and it is estimated that 72% of all status offenders are referred to the juvenile justice system by their parents, usually for things such as ungovernability. Like their adult female counterparts, girls are often arrested for nonviolent crimes. Today's juvenile system continues to exhibit the juvenile court's earliest focus on the morality of girls' behavior and the need to punish girls for being unruly; as a result of these concerns, girls continue to be disproportionately affected by the juvenile legal system's handling of status offenses.

Causes of Female Juvenile Delinquency

Female delinquents have unique needs, and unique causes underlie their delinquency. Most delinquent girls have histories of abuse and exploitation. In fact, approximately 73% of girls who enter juvenile institutions report being victims of abuse. Cathy Spatz Widom, an expert on the causes and consequences of child abuse and neglect, found that child abuse increases the risk of delinquency, violent behavior, and antisocial tendencies. According to Widom (1992), child abuse and neglect increase the likelihood of arrest by 53% and the likelihood of committing violent crime by 38%. Abuse is a stronger predictor for offending behavior in females than in males.

Not surprisingly, abuse is the primary reason girls run away from home. Girls often attempt to escape the abuse they receive at home and are subsequently arrested for running away, which is a status offense. This is often a girl's first involvement with the juvenile justice system. In 2003, girls accounted for 59% of the arrests for running away from home.

Delinquent girls who come from dysfunctional homes and experience abuse, neglect, and exploitation often grow up with a feeling of worthlessness and hopelessness that often results in low or damaged self-esteem. Self-report data indicate that more than half of the girls in juvenile facilities have previously attempted suicide.

Substance abuse is another important risk factor associated with female delinquency. Girls report that drugs and alcohol help them escape emotional pain caused by abuse. According to the National Survey on Drug Use and Health, in 2003, substance abuse was the most common delinquent behavior among girls ages 12 to 17.

Although the majority of arrests of girls are for nonviolent crimes and status offenses, the rate of arrests for violent crimes such as assault has increased in the past decade. There is evidence that girls' arrests for violent behavior have indeed increased. Between 1980 and 2003, female aggravated assault arrests increased from 15% to 24%, and simple assault arrests increased from 21% to 32%. However, it cannot be concluded that this increase establishes that girls are more violent today than they were half a century ago. This change might be related to policy changes rather than an increase in female juvenile violence. The perception that girls are more violent may also result in part from the media's focus on "bad girls" and media reports that girls are becoming increasingly violent.

Several factors may explain the increased arrest rate for these offenses. First, this increase may be attributed to law enforcement's change in handling domestic violence incidents. Mandatory arrest laws might account for the increase in girls arrested for assault, while having no effect on other violent crimes. Second, the arrest rates might be related to

girls' involvement in gang offenses and the police attention toward the gang problem. Third, the increase might be attributed to zero tolerance policies in schools. Girls who were once sent to detention or suspended from class because they engaged in fighting at schools may now be arrested for assault. The increase in arrests at school might have contributed to an increase in the arrest rates for assault for females. Despite this increase, girls still lag behind boys by a significant margin for all offenses except running away.

Additionally, just as African American girls are overrepresented in the original juvenile court, research indicates that there is evidence of disproportionate minority contact in nearly every state in America. Disproportionate minority contact occurs when the percentage of minority youth who pass through the juvenile justice system exceeds the percentage of minority youth in the general population. It is estimated that two thirds of the girls in the juvenile justice system are either African American or Latina.

In general, girls have been ignored by the juvenile justice system and by researchers because the number and magnitude of the crimes they commit are significantly smaller than for boys. Nevertheless, female delinquents require attention. They have unique needs and histories and require effective programs and interventions that acknowledge their issues. It is hoped that with appropriate awareness and involvement from authorities and academics alike, girls in the system will be helped before they grow up to become women in the criminal justice system

Alison S. Burke

See also: Child Savers; Delinquency Prevention; Disproportionate Minority Contact and Confinement; Juvenile Crime; Status Offenses

Further Readings

Chesney-Lind, M., & Shelden, R. G. (1998). *Girls, delinquency, and juvenile justice*. Belmont, CA: Wadsworth.

Knupfer, A. M. (2001). *Reform and resistance: Gender, delinquency, and America's first juvenile court*. New York: Routledge.

Schaffner, L. (2006). *Girls in trouble with the law*. New Brunswick, NJ: Rutgers University Press.

Tannenhaus, D. S. (2004). *Juvenile justice in the making*. New York: Oxford University Press.

Widom, C. S. (1992). *The cycle of violence*. Washington, DC: Department of Justice, National Institute of Justice.

Ferguson, Colin (1958–)

Colin Ferguson was convicted of 6 murders and 19 attempted murders stemming from a December 7, 1993, incident on the Long Island Rail Road. Before trial, Ferguson's lawyers announced that his defense would be temporary insanity directly caused by their client living in America's "racist" society. However, this defense was never formally entered, as Ferguson chose to represent himself during trial and maintained that he was not the gunman. He is currently serving six consecutive life sentences at the Attica Correctional Facility, a maximum-security prison approximately 30 miles east of Buffalo, New York. This entry examines Ferguson's background as well as the details of the incident and his trial.

Ferguson was born on January 14, 1958, in Kingston, Jamaica, and immigrated to the United States in 1982. He lived in Flatbush, Brooklyn, taking business classes at local universities and community colleges in Nassau County while having periodic employment. On December 7, 1993, he boarded the 5:33 p.m. Hicksville-bound Long Island Rail Road train during the heavy commute from Manhattan to the suburbs of Nassau County. As the train approached the Merillon Avenue station in Garden City, New York, approximately 38 minutes into the ride from Manhattan, Ferguson rose from his seat and commenced firing his Ruger P89 9mm semiautomatic pistol. He walked along the aisle while discharging his weapon for approximately 2½ minutes at both seated passengers and those later scrambling for the exit once the train came to a halt at the station platform. After firing 30 rounds, he stopped to reload his pistol. During this period, Ferguson was physically confronted and restrained by three passengers. Police, railroad officers, and emergency personnel reached the scene to discover 23 people were wounded by gunfire in the attack and 2 injured by the stampeding for the doors of the train during the shooting. Six of the

injured would die, all from gunshot wounds. Along with the weapon and nearly 100 rounds of ammunition, police officers found handwritten notes on Ferguson detailing his hatred for a wide scope of racial groups, including Whites, Hispanics, Asians, and certain segments of his own race, Blacks; in particular, Ferguson noted his displeasure with those he regarded as "Uncle Tom Negroes" or Blacks who kowtowed to Whites.

The charges brought against Ferguson included the 6 counts of murder and 19 counts of attempted murder, as well as numerous counts of civil rights violations based on the seemingly premeditated racial motive for the shootings. Attorneys William Kunstler and Ronald Kuby, who initially handled Ferguson's case, planned an insanity defense based on "Black rage." They argued that their client was made temporarily insane by the racial prejudice he faced in the United States for over 10 years since his immigration. They likened such a condition to posttraumatic stress disorder, which would have rendered Ferguson unable to appreciate the nature of his actions and would have resulted in a temporary disconnection from reality. They planned to argue that previous uses of posttraumatic stress disorder as a viable defense, particularly in cases of battered women, served as a justifiable precedent even though "Black rage" had itself never been used at trial. However, Kunstler and Kuby did not have a chance to introduce the defense. Ferguson insisted that he was not insane, and that he in fact was not the shooter though the prosecution had planned to introduce 40 witnesses identifying Ferguson as the offender; he then dismissed the attorneys and sought to defend himself at trial. Throughout the pretrial process, Ferguson refused to meet with psychiatrists, suggesting that they were part of the larger conspiracy against him. During pretrial motions, Ferguson was found mentally capable of standing trial in New York State by understanding the charges and being able to provide toward his defense, and thus was afforded the right to act as his own counsel if he so chose. Though he retained a legal advisor, Alton Rose, all courtroom decisions and actions were taken by Ferguson for the duration of the proceeding from jury selection to sentencing.

The trial began on January 27, 1995, in Mineola, New York. The essence of his defense focused on a racist conspiracy to blame him, as a Black male, for a crime that he did not commit. Ferguson claimed to be sleeping on the train when his weapon was stolen from his bag by a White male who subsequently began shooting; this woke Ferguson and he sought to avoid the gunman along with the other passengers. According to his argument, Ferguson was identified as the shooter because he was the sole Black passenger in the train car and the witnesses' larger cultural impetus, fueled by racism, aimed to destroy Black people and make them scapegoats for White crime. Ferguson suggested multiple theories to explain the details of the shooting in court, often in the context of open rants against the criminal justice system, society, and international organizations. One such theory noted CIA (Central Intelligence Agency) mind control technology and implanted microchips, though Ferguson's witness for this allegation did not appear at trial. In fact, the defense did not call a single witness in court for examination.

After approximately 3 weeks, the trial concluded on February 17, 1995. The jury deliberated for 10 hours and returned guilty verdicts on all murder and attempted murder charges but found Ferguson not guilty on the civil rights violations due to the fact that he aimed his weapon and injured all races of people and no one race was singled out. At sentencing on March 23, 1995, Ferguson was given the maximum prison term of 200 years to life (the death penalty was not available at the time of the crime and thus could not be pursued). Judge Donald Belfi noted that in his 2 decades on the bench, he had "never presided over a trial with a more selfish and self-centered defendant." When given the opportunity to speak on his own behalf, Ferguson likened himself to John the Baptist as the victims and victims' families walked out of the courtroom. On appeal, Ferguson had to argue that his case should be remanded due to "incompetent counsel" and subsequently relinquished control to appointed attorneys. He is currently serving his sentence at the Attica Correctional Facility.

The Ferguson case also led to a significant political change. Carolyn McCarthy, whose husband was murdered and son was seriously wounded in Ferguson's attack, became a vocal gun-control advocate during the course of the trial. This visibility resulted in a political career; in 1996 she was elected

to the House of Representatives for New York's Fourth Congressional District as a Democrat.

Sean Goodison

See also Hate Crimes; McVeigh, Timothy; Skinheads; White Supremacists

First Peoples

See Native American Courts; Native American Massacres; Native Americans; Native Americans: Culture, Identity, and the Criminal Justice System; Native Americans and Substance Abuse

Focal Concerns Theory

Walter B. Miller presented a pure cultural theory of gang delinquency in 1958 that has been generalized to the lower class. His theory, proposed in a short article titled "Lower Class Culture as a Generating Milieu of Gang Delinquency," submitted that the lower class subscribed to a distinct criminogenic culture. Miller's explanation of delinquency is situated in depressed inner cities, wherein the majority of households are headed by females, implying that traditional values are not instilled because of inadequate discipline and role-modeling. Without middle-class values, the lower class operates according to *focal concerns*. Specified as trouble, toughness, smartness, excitement, fate, and autonomy, these concerns devalue conventional values and lead to gang formation. Smartness refers to the ability to "con" someone in real-life situations and brings respect for successful hustlers and con artists. A belief in fate—in predetermined outcomes—undermines the work ethic and sabotages self-improvement. Deviance is normal and to be expected in lower-class cultures because the focal concerns make conformity to criminal behavior as natural as acceptance of conventional mores for the middle class. Miller observed that juveniles accepting a preponderance of these "cultural practices which comprise essential elements of the total life pattern of lower class culture automatically violate legal norms."

Evaluation of the theory has centered around two significant criticisms. First, some of the focal concerns contended to be exclusive to the lower class are also observable in the middle class. A second and more controversial issue concerns the use of race rather than class in assessing the relationship between delinquency, matriarchal households, and an exaggerated sense of masculinity associated with physical aggression.

Whereas Miller's focal concerns and related subcultural theories largely dominated criminological thought during the 1950s, the 1960s ushered in a number of interrelated social movements (including the civil rights crusade, anti–Vietnam War protests, and the counterculture). In varying degrees they expressed the same themes: distrust and defiance of authority that was perceived to be used by elite factions to create and maintain a social hierarchy, exploitation of crime and delinquency, and opposition to the oppressiveness of the criminal justice system. As bandwagon shifts to the political left transpired, labeling theory soon replaced subcultural explanations as the leading perspective on crime.

Although historical developments set into motion a chain of events that moved criminological theorizing away from the subculture, the theory was further marred by paradigmatic shifts in social science research methodology. The rise of positivism was especially critical of the criminogenic saliency of the subculture and delivered focal concerns theory a would-be deathblow. There was suddenly a disjuncture between the subculture approach and the new preferred theoretical–methodological symmetry: variable assignment, measurement, and analysis congruent with causality as established by levels of statistical correlation. Critics of subculture theory focused on the growing belief that acceptable science must subscribe to particular precepts that subculture explanations did not meet. The theory could not, via a variable analysis format, be adequately tested.

Perhaps more consequential to the demise of the focal concerns perspective was the notion of the theory's inherent "classism" in a society where social class and racial minority status were (and still are) strongly correlated. Despite the focal concerns perspective being logically applicable to the discussion of minority representation in the justice system, there have been few attempts by criminologists

to do so, perhaps because of the general liberal and politically correct ideology characteristic of American higher education. Interesting and somewhat ironic, the original lower-class subjects whose behavior and collective values served as the empirical basis for Miller's original framework were lower-class northeastern Caucasian youth.

The focal concerns perspective has been seldom used since the 1960s to explain crime and delinquency per se. Instead, scholars invoke a "focal concerns" framework (often little more than related conceptual elements germane to a central topic) to analyze justice system realities. Examples include parole decision making as a function of focal concerns specific to release outcomes and the "focal concerns" of judges in sanctioning according to combinations of race and ethnicity variables. Such uses further remove focal concerns theory away from its thesis on the cultural transmission of values to a less controversial and less coherent general conceptual framework for better understanding discretion in criminal justice contexts.

There has been, however, a revitalization of the focal concerns perspective that is truer to the seminal version in Elijah Anderson's now famous *Code of the Street: Decency, Violence, and the Moral Life of the Inner City*, which appeared in 1999. Although not self-proclaimed as such, the identification of "street codes" (essentially focal concerns), while original and groundbreaking ethnography, is a direct theoretical elaboration of the majority of values discussed by Miller in 1958. These codes, in a sense then, are neofocal concerns that are reflective of Black lower-class street culture, generally, and its symbiotic and contributive relation to crime.

Anderson's work is consequential in at least three respects: (1) It has revitalized the focal concerns perspective through demonstrating contemporary relevancy; (2) it righted, if unintentionally, longstanding erroneous assumptions regarding race and focal concerns; and, relatedly, (3) it has finally situated the focal concerns perspective in the context of race and crime. Several studies have sought to operationalize Anderson's codes for theory testing via variable analysis, and it is likely that additional applications in other minority and ethnic contexts (e.g., Hispanic cultural values, Appalachian code of honor subcultural adherents) will be forthcoming.

Focal concerns theory is typically referenced in the larger context of subcultural or cultural transmission theories of criminal behavior, although recent utilizations have been extended to also address the operational functioning of various criminal justice system components. Of the leading subcultural explanations of crime and delinquency, focal concerns theory is perhaps the most controversial—primarily because of its fundamental contention that crime is a function of group values that reify through cultural transmission (i.e., social learning) across stratified society.

Cultural transmission theories of crime and delinquency rest on the rudimentary postulate that people internalize values and beliefs. Learning is shaped by, and also perpetuates, values that collectively constitute a belief system reflecting social attitudes, preferences, and sense of group identification. Belief systems come to characterize social environments, but some environments are distinguished by atypical, criminogenic value and normative systems in which crime is condoned if not encouraged. Cultural variation is thus a fundamental assumption as is the power of conformity. Subscription to the unconventional is rewarded through increased social status and self-esteem denied subgroup members elsewhere in society where conventional values define the social.

As similarly situated people face rejection because of socioeconomic status, race, ethnicity, religion, or place of geographic origin, it is common practice and seems only natural that people from like backgrounds faced with similar problems choose to identify and bond together. This reality becomes more pronounced when the subgroup is outside of its native environment, largely because culturally specific practices and patterns of speech and behavior stand out as different. Noticeable differences in dialect, manners, and political or religious attitudes motivate the disadvantaged and disenfranchised into group settings wherein they are more familiar and comfortable.

The study of subcultures from a criminological orientation is necessarily integrated with the study of legal process. Although the production of law has been shown to be aligned with the interests of the populace, the criminal law is generally regarded (ironically, by the populace) as a product of a normative consensus, a parallel reinforced by both the myths and realities of democratic ideals. While the

law thus denotes "conventional" or "dominant" culture, an important and paradoxical feature of the legal process is the disjuncture between the moral normative value system held by lawmakers and the positional norms of various societal groups.

Positional norms, defined by values correlated with combinations of class status, sex, age, race and ethnicity, religious affiliation, and similar variables, are often underrepresented in the formal definition of authority. That which is considered normal, appropriate, popular, and wrong varies considerably across different social groups throughout society. Repudiation of other groups' societal standards and norms, as specified in law and the rules governing societal institutions, fosters greater group cohesion and amplifies differences between the value systems of subcultures and the larger society. Thus, another defining characteristic of a subculture is cultural conflict. Accordingly, it is important to make the conceptual distinction between subculture and population segment. The subcultural values of a gang, for example, may intensify although membership is reduced through criminal justice system actions. In short, normative conflict is inherent in social structure, and subcultures are very much a manifestation of this conflict.

J. Mitchell Miller

See also Code of the Streets; Culture Conflict Theory; Structural–Cultural Perspective; Youth Gangs

Further Readings

Anderson, E. (1999). *Code of the street: Decency, violence, and the moral life of the inner city*. New York: Norton.

Cohen, A. (1955). *Delinquent boys*. Glencoe, IL: The Free Press.

Gabbidon, S. L. (2007). *Criminological perspectives on race and crime*. New York: Routledge.

Miller, J. M., Schreck, C. J., & Tewksbury, R. (2007). *Criminological theory: A brief introduction* (2nd ed.). Boston: Allyn & Bacon.

Miller, W. B. (1958). Lower class culture as a generating milieu of gang delinquency. *Journal of Social Issues, 14*, 5–19.

Vold, G. B., & Bernard, T. J. (1986). *Theoretical criminology* (4th ed.). New York: Oxford University Press.

Wolfgang, M. E., & Ferracuti, F. (1967). *The subculture of violence: Towards an integrated theory in criminology*. London: Tavistock.

Focal Concerns Theory, Labeling

According to focal concerns theory, three focal concerns have an effect on sentencing decisions: blameworthiness of the offender, protection of the community, and organizational restraints and consequences. Minorities are more likely to be labeled negatively when appearing in court based upon these three focal concerns. Debate has occurred on how prevalent this labeling is as well as how it might impact the sentencing and punishment of minority defendants. The entry examines the three focal concerns and how this labeling process results in disparities in minority sentencing and punishment.

Focal Concerns

The focal concerns perspective is a theoretical framework which states that judges sentence individuals based upon perceptions and stereotypes surrounding three foci. The first focus is how blameworthy the offender is. This focus reflects the nature and seriousness of the offense, the offender's involvement with the offense, and the offender's previous record. The more serious the offense, culpable the offender, and the more criminal offenses they have committed, the more blameworthy the offender appears.

The second focus judges consider when deciding a sentence is protection of the community. This focus is based on the judges' perception of recidivism and the dangerousness of the offender. The more dangerous an offender appears and the higher his or her likelihood for recidivism is, the more likely the sentence length or severity will increase.

Third, a judge will consider the organizational restraints and practical consequences of a judgment. Judges will determine the offender's ability to do time, cost of incarceration, impact on other social institutions such as family and the economy, and the effect on the courtroom relationships and workgroups. This last focal concern allows for the judge to consider organizational concerns, such as the reputation of the court, the stability of the courtroom workgroup, and overcrowding of local correctional facilities, as well as individual concerns,

such as the offender's health, special needs, and family ties.

Labeling and Sentencing Disparities

Focal concerns theory posits that judges have very little information with which to make sentence determinations. Judges have a minimum amount of time with offenders and attorneys, yet they must be certain about their sentencing decisions. Overcrowded courtrooms and loaded dockets force judges to make swift decisions and avoid uncertainty based on a combination of the three focal concerns. As a result, judges will label or stereotype offenders based upon characteristics that are directly observable, descriptively neutral, and inherent in the status derived from gender, race, age, and social class. Focal concern theorists have called this "perceptual shorthand."

Studies show that the perceptual shorthand of judges has resulted in disparities within the criminal justice system. Criminal records of young Black males are defined as more serious, and the possibility for recidivism is deemed greater in comparison to other social categories. Women and older offenders are labeled as less dangerous and less of a risk to the general public than are other categories of offenders. Judges also are more likely to consider the possibility that women and older offenders might have been victimized themselves by individuals belonging to other social categories. They are also seen as a higher cost to the criminal justice system. Possibilities for pregnancy and age-related problems suggest that women and older offenders may present high social costs to correctional facilities. Lastly, women and older offenders are labeled as having more social ties. Women are viewed as the support system for children, and older offenders are perceived as more likely to be employed.

It has been suggested that consequences of this labeling process have resulted in inequalities in the criminal justice system. African American and Hispanics are more harshly punished than are Whites. Males receive more punitive sentences than do females. Younger offenders are more likely to be incarcerated and to receive longer sentences than are older offenders. Unemployed offenders and offenders located in lower social strata are more harshly punished than are offenders who are employed or offenders who belong to the middle or upper class.

The direct effect, as well as the complex interaction between gender, race, age, and social class, is most detrimental to young, Black and Hispanic minorities. Focal theorists claim that characteristics and attributions derived from the judges' perceptual shorthand reflect negative societal stereotypes. Judges assign meaning to behaviors consistent with their perception of societal stereotypes which are assigned to the offenders' association with a particular social category. When considering the three foci, a judge might resort to stereotypes and label young minorities as more blameworthy, more dangerous to the community, and more likely to recidivate. As a result, studies reveal that there is a high cost of being young, male, and of minority status in the criminal justice system.

Alana Van Gundy-Yoder

See also Disproportionate Incarceration; Focal Concerns Theory; Labeling Theory; Sentencing Disparities, African Americans; Sentencing Disparities, Latina/o/s

Further Readings

Gabbidon, S. L. (2007). *Criminological perspectives on race and crime*. New York: Routledge.

Kleck, G. (1981). Racial discrimination in criminal sentencing: A critical evaluation of the evidence with additional evidence on the death penalty. *American Sociological Review, 46,* 783–805.

Miller, W. (1958). Lower class culture as a generating milieu for gang delinquency. *Journal of Social Issues, 14*, 5–19.

Steffensmeier, D., & Demuth, S. (2000). Ethnicity and sentencing outcomes in U.S. federal courts: Who is punished more harshly? *American Sociological Review, 65*, 705–729.

Steffensmeier, D., Ulmer, J., & Kramer, J. (1998). The interaction of race, gender, and age in criminal sentencing: The punishment and cost of being young, Black, and male. *Criminology, 36*, 763–797.

Frazier, E. Franklin (1894–1962)

E. (Edward) Franklin Frazier was a prolific Black sociologist whose pioneering research contributed

to the foundation of Black sociological thought and challenged conventional wisdom by raising existential questions regarding the complexity of race relations in American society.

Frequently characterized as an "improper Negro," a nonconformist, a protestor, and a gadfly, Frazier represents a generation of Black sociologists who embodied the intellectual, political, and social zeitgeist that characterized the 1920s. At a historical juncture when issues centered on race, crime, and justice were at the forefront of the American discourse, Frazier ascended as a young scholar concerned with examining some of the most prevalent issues associated with the Black experience—the progression of racism endured by Blacks that included slavery, involuntary migration, emancipation, segregation, and urbanization. Whereas Frazier is most notably recognized as both a student and scholar of sociological thought, his contributions to criminological thought are less acknowledged but equally significant. Frazier's avid scholarship exemplifies his countless contributions to both sociological and criminological thought and illustrates his legacy as a scholar. Although his research on the Black family, critique of the Black middle class, and final address to the Negro intellectual are often considered the pinnacle of scholarly contributions, it is his examination of Blacks in the United States that has significantly enriched sociological and criminological thought. Frazier's extensive review of family disorganization, crime, delinquency, and other similarly related issues plaguing Black communities provides an informed understanding of the complexity of race in American society.

Edward Franklin Frazier dedicated a significant part of his life to opposing three things: racial injustice within the context of American society; the reluctance on the part of Blacks to satisfy and/or excel national standards; and the pretentiousness, superficiality, and embracing of false ideals among the Black middle class. Frazier, unlike more mainstream scholars of his time, challenged conventional wisdom by attempting to dispel the disingenuous assertions and stigmatizing labels that perpetuated myths and untruths about Blacks. Amid the mendacious assertions, Frazier was primarily concerned with dispelling the myth of Negro inferiority which dominated extant examinations of the Black experience. It is Frazier's departure from mainstream explanations that have significantly contributed to a more informed understanding of the importance of sociologically based explorations of the Black historical experience.

Vestiges of Slavery: Race, Social Disorganization, and Crime

Race

The late 1920s witnessed the birth of an intellectual movement comprising Black scholars, intellectuals, and activists. Frazier exemplifies the intellectual ferment of this era. The racial climate, characterized by racial animus, segregation, and political and social turmoil, which permeated American society, illustrates the insidious racism that predominated and served as the impetus for Frazier to challenge examinations of Blacks. Frazier's research emerged in response to mainstream characterizations of Blacks as inferior, pathological, deficient, and criminally prone. According to Frazier, extant examinations of Blacks illustrated both an acceptance and overreliance on deficit models to explain issues plaguing the Black community, rather than a historical examination of the legacy of slavery, involuntary migration, emancipation, segregation, and urbanization experienced by Blacks in the United States. More specifically, Frazier argued that the cumulative effects of racism resulted in Blacks being afforded no more than second-class citizenship. As such, in an effort to identify the complexity of race relations in the United States, Frazier enunciated that the tumultuous relationship between Blacks and American society was best situated within a historical and ecological context.

Social Disorganization

A descendant of the Chicago School of Sociology, Frazier was significantly influenced by the theoretical and methodological approaches to sociology that emerged at the University of Chicago during the late 1920s. Rooted in a commitment to objective inquiry, ecological approaches to understanding social change, and social disorganization advanced as a theoretical approach to predict and explain the etiology of crime in urban locales plagued by physical decay and social disorder,

Frazier's research parallels both the theoretical and methodological approaches advanced during this era. However, critical of social scientific methods of inquiry, Frazier opined that attitudinal and quantitative methods, deemed optimal methods of objective inquiry, failed to yield meaningful data and precluded appreciable results. More specifically, Frazier asserted that conventional methods of inquiry were void of analyses of historicity, human ecology, and social relations. As such, Frazier employed both quantitative and qualitative methods of inquiry to examine the impact of social change on the Black family and community.

Although critical of conventional methods of inquiry, Frazier's research illustrates the utility of the ecological approach and social disorganization theory to explore family dissolution, crime, and delinquency. According to Frazier, the abysmal social conditions that plagued the Black community were a manifestation of urbanization and the resultant physical decay and social disorder. Employing a historical analysis, Frazier asserted that urbanization, akin to slavery, was a consequence of the systematic, intentional, and insidious racism experienced by Blacks. Moreover, social and economic forces undermined the strength and cohesiveness of the Black family and community and contributed to the absence of communal controls and the prevalence of crime and delinquency.

Crime

Amid his numerous contributions to the sociological body of knowledge, dispelling the myth of Negro inferiority by raising existential questions regarding disingenuous assertions premised on race serves as Frazier's greatest intellectual achievement. The assumption that crime and delinquency, akin to Negro inferiority, were attributable to deficiency and pathology of the Negro predominated in social science research and was underscored by deficit models which perpetuated myths and untruths. Frazier challenged this frame of thought by examining social disorganization, family dissolution, crime, and delinquency through a purely sociological lens, situating the Black Diaspora within an ecological and historical framework.

Frazier, challenging conventional wisdom, began with the presupposition that crime and delinquency among Blacks were attributable neither to deficiency nor to pathology but rather to social structural factors, economic conditions, family dissolution, and lack of community controls. Moreover, Frazier maintained that crime, delinquency, and similarly related social ills plaguing the Black community exemplified the vestiges of slavery, which remained ubiquitous in the U.S. emancipation, according to Frazier, serving as the catalyst for the states' increased interest in Blacks as criminal in an effort to maintain racial and class divisions. Urbanization, a manifestation of emancipation, further perpetuated crime and delinquency as a consequence of the disorganizing effects on the family and the community. The efficacy of both traditional methods of inquiry and personal narratives to explore crime and delinquency among Blacks illustrates Frazier's ardent desire to capture the uniqueness of the Black experience.

The Failure of the Negro Intellectual

E. Franklin Frazier illustrated his greatest intellectual fury in his 1962 publication *The Failure of the Negro Intellectual*. Frazier's indefatigable effort to advance the race is best exemplified by his unapologetic critique of the Black middle class in general and the Negro intellectual in particular. In his address, Frazier provides an assessment of the relationship of Blacks to American society and the catalytic force of racism. More specifically, Frazier examined the processes of integration and assimilation, as well as the associated costs.

Vehemently pessimistic about the fulfillment of ultimate assimilation, Frazier enunciated that it was necessary for Blacks to be integrated into American society both socially and economically as an initial stage toward a remedy of the "Negro problem." However, assimilation, a more fundamental challenge according to Frazier, remained a question unanswered.

Advancing his earlier critique of the emerging Black middle class, Frazier asserted that it was the preoccupation with integration and ultimate assimilation which illustrated the greatest failure of Black intellectuals. Moreover, the allure resulted in the loss of meaning as it related to the unique culture of Blacks and the progress of the race. Charging the intellectual periphery of the Black middle class, Black leaders, and the intellectual

community with a spirit of anti-intellectualism tainted by the desire to achieve the "American dream," Frazier likened the Negro intellectual to an unconscious victim both unaware of and unconcerned with the fundamental impact of slavery. Moreover, Frazier argued that contempt and discrimination, despite integration, continued to be an enduring reality among the Black middle class who had sacrificed their identification, self-image, and sense of personal dignity. Frazier's contemptuous critique signifies an indelible warning to the Black intellectual as well as the Black community generally.

Academic Scholarship: A Vehicle for Social Change

Dedicated to producing scholarship as a means of advancing the race, Frazier remains one of the most extraordinary intellectual minds America has produced. Publishing, at times, controversial yet thought-provoking scholarship on issues related to the Black family, church, and community, Frazier's indefatigable ardor for examining the impact of social change on Blacks within the context of the United States remains one of his most significant contributions to the epistemology of sociology in general and the sociology of knowledge in particular. His audaciousness in raising existential questions regarding race relations in American society and his critique of the appropriateness of using social scientific methods to investigate the social realities of Blacks earned Frazier countless accolades for his contributions to the field of social science, advancing historically Black colleges and universities, and enriching the race.

Frazier's Legacy

Symbolic of the duality of both scholar and activist, Frazier's pioneering research has contributed to the emergence of Black sociology and to American sociology generally. In 1948, Frazier was the first Black male to serve as president of the American Sociological Society (later renamed the American Sociological Association). After an extended tenure at his alma mater, Howard University, Frazier retired as the chair of the Department of Sociology in 1959. On May 17, 1962, he died in Washington, D.C., at the age of 68. In honor of Frazier's dedication to using education as a vehicle for social change, the *Journal of Negro Education* devoted its fall 1962 issue to his life's work. To honor his commitment and innumerable contributions to the institution, Frazier was named Professor Emeritus of the Department of Sociology and the African Studies Program, and on May 24, 2000, the Howard University School of Social Work established the E. Franklin Frazier Center in his honor. In the spirit of Frazier's legacy, the center is committed to conducting research that examines issues affecting families, communities, and geographic locales within the context of a diverse and racially heterogeneous environment.

Misha S. Lars

See also African Americans; Chicago School of Sociology; Harlem Race Riot of 1935; Historically Black Colleges and Universities; National Association for the Advancement of Colored People (NAACP); Racism

Further Readings

American Sociological Association. (2005). *E. Franklin Frazier*. Retrieved from http://www.asanet.org/page.ww?section=Presidents&name=E.+Franklin+Frazier

Balfour, L. (2005). Edward Franklin Frazier. In *Africana: The encyclopedia of the African and African American experience* (Vol. 2, p. 708). New York: Oxford University Press.

Bracey J., Meier, A., & Rudwick, E. (1988). The Black sociologists: The first half century. In J. A. Ladner (Ed.), *The death of White sociology: Essays on race and culture* (pp. 3–22). Baltimore: Black Classic Press.

Davis, A. P. (1962). E. Franklin Frazier (1894–1962): A profile. *Journal of Negro Education, 31*(4), 429–435.

Frazier, E. F. (1927, June). The pathology of race prejudice. *Forum, 70,* 856–862.

Frazier, E. F. (1932). *The Negro family in Chicago*. Chicago: University of Chicago Press.

Frazier, E. F. (1939). *The Negro family in the United States*. Chicago: University of Chicago Press.

Frazier, E. F. (1949, February). Race contacts and the social structure. *American Sociological Review, 14*(1), 1–11.

Frazier, E. F. (1957). *The Negro in the United States*. New York: Macmillan.

Frazier, E. F. (1962). *Black bourgeoisie: The rise of the new middle class in the United States*. London: Collier-Macmillan.

Frazier, E. F. (1998). The failure of the Negro intellectual. In J. A. Ladner (Ed.), *The death of White sociology: Essays on race and culture* (pp. 52–66). Baltimore: Black Classic Press.

Greene, H. T., & Gabbidon, S. L. (2000). *African American criminological thought*. Albany: State University of New York Press.

Howard University. (2001). *E. Franklin Frazier*. Retrieved from http://www.howard.edu/library/Social_Work_Library/Franklin_Frazier.htm

Howard University. (2002). *E. Franklin Frazier Center for Social Work Research*. Retrieved from http://www.howard.edu/schoolsocialwork/SW/FrazierCenter.htm

Furman v. Georgia

In the 1972 case of *Furman v. Georgia,* the U.S. Supreme Court addressed the question of whether capital punishment constituted cruel and unusual punishment in violation of the Eighth and Fourteenth Amendments. The Court held that although the death penalty is not in itself cruel and unusual, the Eighth and Fourteenth Amendments imposed some limitations on state administration of the death penalty. The disproportionate application of the death penalty to the poor and to minorities was a central focus of the case.

Background

Since the ratification of the U.S. Constitution and the adoption of the Bill of Rights, support for the death penalty has waxed and waned. After World War II, abolitionist sentiment grew, and a number of state legislatures eliminated capital punishment. In the early 1960s, opponents of the death penalty turned to the courts, hoping that the success of constitutional litigation to rectify discrimination in other social and political institutions (e.g., cases involving school desegregation and reapportionment) would continue. In *Robinson v. California* (1962), the Supreme Court held that the Eighth Amendment's prohibition against cruel and usual punishment applied to the states, and in *Witherspoon v. Illinois* (1968), the Court held that a death sentence could not be carried out where the jury recommending it had been chosen by excluding "for cause" any prospective jurors who had "religious or conscientious scruples" against inflicting the death penalty. But in *McGautha v. California* (1971), the Court found no constitutional infirmity where the jury imposed the death penalty without any governing standards, even in unitary proceedings in which the jury determined both guilt and punishment. One month later, the Court granted certiorari in *Furman v. Georgia* (1971) and in three other cases (*Aikens v. California*, 1971; *Jackson v. Georgia*, 1971; and *Branch v. Texas*, 1971) to determine whether imposing and carrying out the death penalty in these cases (involving convictions for rape or murder) constituted cruel and unusual punishment in violation of the Eighth and Fourteenth Amendments. (After certiorari was granted, but before the Court's decision in *Furman v. Georgia*, 1972, the Supreme Court of California declared that capital punishment in California was unconstitutional under the California Constitution and that the decision was fully retroactive. In light of this intervening decision, the U.S. Supreme Court dismissed certiorari in *Aikens v. California*, 1972.)

Opinion

In a one-paragraph per curiam opinion that offered neither an explanation of its decision nor guidance for state death penalty legislation, a sharply divided Supreme Court held that imposing and carrying out the death penalty "in these cases" (*Furman v. Georgia, Jackson v. Georgia,* and *Branch v. Texas*) constituted cruel and unusual punishment in violation of the Eighth and Fourteenth Amendments. Each of the justices in the five-four majority wrote a separate opinion (totaling more than 230 pages in the *United States Reports*), and no single analysis prevailed. The positioning of the justices left open the possibility that capital punishment could be upheld if properly structured in its application.

Justices Brennan and Marshall found the infliction of the death penalty constitutionally impermissible in all circumstances under the Eighth and Fourteenth Amendments. Justice Brennan's opinion explored the Framers' intent with respect to cruel and unusual punishment and set forth four principles for assessing the constitutional validity of challenged punishments: (1) "a punishment must not be

so severe at to be degrading to the dignity of human beings," (2) "the States must not arbitrarily inflict a severe punishment," (3) "a severe punishment must not be unacceptable to contemporary society," and (4) "a severe punishment must not be excessive." Justice Marshall's concurrence focused on the origin and judicial history of capital punishment; argued that the average American citizen, if presented with all the facts regarding capital punishment, would "find it shocking to his conscience and sense of justice" and stated that "the measure of a country's greatness is in its ability to retain compassion in time of crisis."

Justices Douglas, Stewart, and White determined it unnecessary to decide the ultimate question of the constitutionality of capital punishment, concurring on narrower grounds. Justice Douglas described discretionary death penalty statutes as "pregnant with discrimination" and noted that the death penalty was disproportionately imposed on minorities and the poor. Justice Stewart found that the death penalty is "wantonly and so freakishly imposed," while Justice White focused on the fact that "there is no meaningful basis for distinguishing the few cases in which it is imposed from the many cases in which it is not."

Chief Justice Burger and Justices Blackmun, Powell, and Rehnquist dissented. Justice Powell found the death penalty constitutionally permissible, cautioned against injecting "personal predilections" into analysis of the language of the Eighth Amendment, reasoned that all of the arguments and factual contentions accepted in the concurring opinions had been rejected in *McGautha* and that that decision should be regarded as a controlling pronouncement of law, and thus concluded that the Court had "overstepped" its bounds. Justice Powell's dissent lamented "the shattering effect [of the concurring opinions] on the root principles of stare decisis, federalism, judicial restraint and—most importantly—separation of powers." Similarly, Justice Rehnquist focused on the role of judicial review and emphasized deference to State legislative judgment.

Aftermath

Because *Furman* did not hold that the death penalty is inherently cruel and unusual, it essentially created a moratorium on the death penalty. Thirty-five states responded to *Furman* by revising their capital sentencing procedures to satisfy the Court's objections and concerns. In 1976, the Court considered a representative group of these statutes, upholding three states' post-*Furman* death sentencing provisions and striking down two others.

In *Gregg v. Georgia* (1976), *Proffitt v. Florida* (1976), and *Jurek v. Texas* (1976), the Court upheld statutes that guided the exercise of discretion by a judge or jury in the imposition of the death penalty, finding constitutional those capital sentencing procedures that focused on the particularized circumstances of the individual offense and individual offender and that required a consideration of aggravating and mitigating factors.

In *Woodson v. North Carolina* (1976) and *Roberts v. Louisiana* (1976), the Court held that certain mandatory death sentences that did not provide for a consideration of the character, personal background, and criminal record of the individual offender or the circumstances under which the particular offense occurred violated the Eighth Amendment's prohibition of cruel and unusual punishment.

On January 17, 1977, Gary Gilmore of Utah became the first person executed after the reinstatement of the death penalty. Since Gilmore, there have been 1,125 other executions (as of October 15, 2008).

Avi Brisman

See also Death Penalty; Marshall Hypotheses; Sentencing Disparities, African Americans; Sentencing Disparities, Latina/o/s; Sentencing Disparities, Native Americans

Further Readings

Aikens v. California, 403 U.S. 952, 91 S.Ct. 2280, 29 L.Ed.2d 863 (1971).

Aikens v. California, 406 U.S. 813, 92 S.Ct. 1931, 32 L.Ed.2d 511 (1972).

Branch v. Texas, 403 U.S. 952, 91 S.Ct. 2287, 29 L. Ed.2d 864 (1971).

Carter, L. E., & Kreitzberg, E. (2004). *Understanding capital punishment law*. Newark, NJ: Matthew Bender.

Furman v. Georgia, 403 U.S. 952, 91 S.Ct. 2282, 29 L.Ed.2d 863 (1971).

Furman v. Georgia, 408 U.S. 238, 92 S.Ct. 2726, 33 L.Ed.2d 346 (1972).
Gregg v. Georgia, 428 U.S. 153, 96 S.Ct. 2909, 49 L. Ed.2d 859 (1976).
Jackson v. Georgia, 403 U.S. 952, 91 S.Ct. 2287, 29 L.Ed.2d 863 (1971).
Jurek v. Texas, 428 U.S. 262, 96 S.Ct. 2950, 49 L.Ed.2d 929 (1976).
McGautha v. California, 402 U.S. 183, 91 S.Ct. 1454, 28 L.Ed.2d 711 (1971).
Proffitt v. Florida, 428 U.S. 242, 96 S.Ct. 2960, 49 L. Ed.2d 913 (1976).
Rivkind, N., & Shatz, S. F. (2001). *Cases and materials on the death penalty*. St. Paul, MN: Thomson/West.
Roberts v. Louisiana, 428 U.S. 325, 96 S.Ct. 3001, 49 L.Ed.2d 974 (1976).
Robinson v. California, 370 U.S. 660, 82 S.Ct. 1417, 8 L.Ed.2d 758 (1962).
Streib, V. L. (2003). *Death penalty in a nutshell*. St. Paul, MN: Thomson/West.
Witherspoon v. Illinois, 391 U.S. 510, 88 S.Ct. 1770, 20 L.Ed.2d 776 (1968).
Woodson v. North Carolina, 428 U.S. 280, 96 S.Ct. 2978, 49 L.Ed.2d 944 (1976).

GAMBLING

Race and crime have played and continue to play a prominent role in the realm of gambling, most notably in the United States, where many religious groups maintain that gambling is sinful because it intrudes into God's domain. Religious considerations, combined with notorious episodes of criminal skullduggery, led to the outlawing of gambling in all American jurisdictions near the end of the 19th century. But states, hard-pressed for funds to provide adequate services to residents, subsequently returned to lotteries and other forms of wagering as a painless political move, much more acceptable to citizens than tax increases.

At first, gambling in the United States tended to be controlled by organized crime, but in recent years corporate interests have taken over big-time gambling enterprises, aware that such businesses could be operated legally and yield huge profits. All that is necessary is to arrange the odds—such as the percentage paid out by slot machines—to assure that the house takes away a satisfactory percentage of the money wagered.

Gambling has a strong appeal to the wishful, the oppressed, the naive, the credulous and, often, the bored. A particular attraction to deprived racial and ethnic minorities is the prospect, however unlikely, of an escape route from financial burdens. People fool themselves into believing that they can beat the odds, either through skill or, more likely, by good luck.

There are three major situations in which race, crime, and gambling have intersected. The first involves the striking appeal of gambling to Chinese, both at home and abroad. In Chinese culture, luck and chance are often viewed as mystical qualities. In addition, for Chinese Americans who may feel uncomfortable conversing in English, linguistic interaction is not necessary in the nonverbal world of slots and other gambling activities. The Chinese involvement in gambling has been marked by the construction of multimillion-dollar casinos in Macau, mostly by Las Vegas interests. Macau, a former Portuguese colony, was returned to China in 1999 and lies but a short jetfoil ride from Hong Kong. Since 2008, Macau has shown the highest gambling profits in the world, outpacing Nevada.

The second interaction among gambling, crime, and race has been the proliferation of gambling casinos operating on Native American reservations in the United States, from which Native American tribal members are reaping what were once unthinkable incomes. Several well-publicized criminal activities have surfaced in connection with efforts to establish and protect Native American casinos.

The third situation is the illegal neighborhood betting activity in American slum areas, largely engaged in by members of minority groups, notably Hispanics and African Americans. These arrangements persist despite the emergence of state-sponsored lotteries.

Chinese Gambling

There is no question that in general, persons of Chinese ethnic identity are more attracted to

gambling than persons with other ethnic backgrounds. In 1897, the Reverend James S. Dennis wrote in *Christian Missions and Social Progress* that "China seems to lead the van of the gambling world." "The indulgence of the Chinese," Dennis went on to say, "is immemorial and inveterate; in fact, it is justly regarded as the most prominent vice in China." According to a 1998 survey by William Thompson, half of the money gambled in England's 120 casinos came from Chinese players. In the United States, a poll of 1,800 residents in San Francisco's Chinatown found that 75% regarded gambling as the most serious social problem in their midst. That view was buttressed by data indicating that 21% of Chinatown's people defined themselves as "pathological gamblers" and 16% considered themselves "problem gamblers."

There is no agreement on the reasons for the strikingly great attraction of gambling to Chinese. Most explanations point out that gambling behavior is learned by Chinese youngsters as a prominent part of their culture, manifest in games such as mah-jongg and pai-gow, which are played with tiles, and sic bo, a combination of roulette and craps. Importantly, there is no Chinese religious doctrine that defines gambling as sinful; it commonly is regarded as a form of recreation. In the United States, the condition of Chinese immigrants, aliens in a new and often confusing culture, was believed to be responsible for the illegal gambling dens that appeared in Chinese ghettos when the Chinese first came to the West Coast of the United States to work on the railroads. When these immigrants were liberated briefly from their back-breaking labor, visits to gambling halls, brothels, and opium dens provided a few hours of relief. Today, Las Vegas and Native American gambling sites are especially cordial and respectful to Chinese and often other Asian clients, knowing that they typically are their best customers.

Other Asian countries besides China, including Vietnam, the Philippines, Korea, and Cambodia, generally manifest a level of gambling that correlates with the infusion of Chinese culture into their population. On the China mainland, gambling is outlawed, but in Hong Kong the Jockey Club enjoys a monopoly on racetrack betting and is energetically working to keep Internet gambling from intruding. In March 2007, the police in Hong Kong discovered that organized crime groups had planted darts with tranquilizing drugs in the turf by the starting gates at a racetrack. The intent apparently was to mildly sedate horses favored to win and to place wagers on those spared from the drugging. The situation in Hong Kong emphasizes that crime and corruption, sometimes dormant but always lying in wait, tend to be associated with gambling.

Shanghai and other major Chinese cities are said to have a vibrant underground gambling economy. An English-language newspaper in China, the *Shanghai Sun,* recently observed half-facetiously that all Chinese are born with a gambling gene.

Other Asian American groups show particular gambling patterns. In southern California, an illegal gambling venture involves video poker games in cafés frequented by Vietnamese Americans. The tabletop equipment appears to be the same as that in a legitimate video parlor, but it can be altered into a gambling mode by use of a remote control gadget, making it difficult for the police to spot the illegal action. When a non-Vietnamese enters the café, any machine being used for gambling quickly is moved back into its innocent-appearing video mode.

Native American Gambling

Casinos run on tribal territory by Native Americans came onto the scene in the 1990s. In 2009, there were approximately 400 such casinos run by approximately half of the nation's 556 federally recognized tribes. The National Indian Gaming Commission, in its most recent report, indicates that in 2007 these sites accounted for $26 billion in revenues.

The initial step along the path toward the appearance of Native American casinos came in the federal appellate court decision in *Seminole Court Tribe v. Butterworth* (1981). The Seminoles were operating high-stake bingo games that the state of Florida sought to prohibit. The court came down in favor of the tribe. Six years later, in *California v. Cabazon Band of Mission Indians* (1987), the U.S. Supreme Court ruled that neither state nor local laws could be used to ban gambling on the Cabazon and Morongo tribal reservations in Riverside County because Indian tribes retain

"attributes of sovereignty over their members and their territory" and that "this sovereignty is subordinate only to the federal government." In 1988, the Congress enacted the Indian Gaming Regulatory Act that legalized gambling on all Native American reservations.

Today, the Foxwoods Resort Casino in Connecticut, run by the Mashantucket Pequot tribe, is said to be the most lucrative gambling operation in the western hemisphere. Each day Foxwoods and its competitor Mohegan Sun dispatch 100 buses to the predominantly Asian neighborhoods in Boston and New York, with twice that many pressed into service on the Chinese New Year, Thanksgiving, and Christmas. It is estimated that one third of the customers at Foxwoods are Asian, and mostly Chinese. Not unusual is the case of Zheng Yuhu reported on Yahoo News on July 20, 2006. She came to New York about a decade ago. She works 6 days a week, 11 hours a day, preparing takeout food in a Chinese restaurant. On the seventh day, she takes the bus to Foxwoods, where she gathers with her friends. "Life in America is hard," she says. "There's nowhere else to go. We don't have cars."

Critics say that Foxwoods and some other reservation casinos were created by fraudulent tactics that identified as Native Americans numerous persons who did not truly belong on tribal rolls. Particularly notorious have been the well-publicized Native American lobbying efforts that often crossed the line into criminal behavior. Six tribes hired Jack Abramoff to press their interests, and Abramoff collaborated with a former aide to Tom DeLay, then the House of Representatives majority leader, to bilk the tribes out of $80 million in the years between 2001 and 2004. More than two thirds of the money went into the pockets of the lobbyists. In an ugly double-cross, Abramoff got the Texas legislature to shut down the Tigua tribe's Standing Rock casino and then gulled the tribal counsel into paying him $4 million on his promise that he would manage to get permission for it to resume operation. Abramoff pled guilty to three criminal charges and received a relatively light sentence of 5 years and 10 months in return for his agreement to cooperate with the prosecution in related cases. Also pleading guilty for making false statements under oath during the Abramoff investigation was Congressman Robert Ney of Ohio, who, among others things, had been treated to a golfing excursion to Scotland financed by Abramoff's Native American clients. Ney was sentenced to 30 months' imprisonment.

Leaders of the Native American tribes were themselves not without guilt. The Choctaw, for instance, had agreed to launder the payments it made to evangelist Ralph Reed, who was part of the lobbying team, because Reed did not want to run the risk of having it become public knowledge that he had accepted money from gambling interests. The Choctaw's particular lobbying concern was an effort to keep the Alabama legislature from allowing slot machines to be installed at dog racing sites, which they saw as competition they wanted to head off.

Betting on Numbers

Betting on numbers, an illegal activity, is also known as "policy," "bolita," and "the figures," and is largely found in depressed urban ghettos where large numbers of minorities dwell. The odds of 600 to 1 for picking a winning three-digit number are better than those offered by the state-run lotteries. In addition, no taxes need to be paid on numbers winnings. In New York City, the police in 2006 uncovered a wide network of sites that sold chances on numbers, including hair salons and bodegas. Some numbers merchants took bets in their cars. Tens of thousands of New Yorkers are estimated to play the numbers each week. The winning figures are calculated from the last number of the total amount bet on winning horses in specified races at designated tracks.

In urban slum areas, where the numbers business flourishes, women send their children to a grocery store with some extra change to place on a number. Publications, so-called dream books, claim to provide clues to likely winning numbers. Competition from newcomers is eliminated either by mergers or by the police who are paid off for ignoring the activity.

Criminal Dynamics of Gambling

Crime, especially acts involving racial and ethnic minorities who have limited funds with which to

wager, enters into the gambling scene when bettors are impelled to break the law in order to obtain funds to sustain their habit. Police records are replete with tales of robberies, murders to collect insurance, beatings by loan sharks, and similar depredations that are believed to have resulted from unmanageable gambling losses. Family tensions that erupt into domestic violence are also said to result from the stress associated with the squandering by gambling of the breadwinners' salaries. The opportunity to break the law has been particularly fueled by the careless issuance of credit cards by Visa, MasterCard, and other financial organizations that rely on exceptionally high interest rates to recoup any amounts that might be lost—and cannot be repaid—by persons who owe gambling debts.

There are no satisfactory statistical reports on the relationship between gambling and crime, either in general or in regard to minority groups. The Federal Bureau of Investigation *Uniform Crime Reports* database indicates that about the same proportion of Blacks and Whites are arrested for gambling offenses, but these are at best only a hint at the extent of illegal wagering.

Gilbert Geis

See also Immigrants and Crime; Native Americans; Organized Crime

Further Readings

Aasved, M. (2003). *The sociology of gambling*. Springfield, IL: Charles C Thomas.

Benedict, J. (2000). *Without reservation: The making of America's most powerful Indian tribe and the world's largest casino*. New York: HarperCollins.

Clotfelter, C. T., & Cook, P. J. (1989). *Selling hope: State lotteries in America*. Cambridge, MA: Harvard University Press.

Darian-Smith, E. (2004). *New capitalists: Law, politics, and identity surrounding casino gambling on Native American land*. Belmont, CA: Wadsworth.

Nguyen, T. H. (2004). The business of illegal gambling: An examination of the gambling business of Vietnamese cafes. *Deviant Behavior*, *25*, 451–464.

Thompson, W. N. (1998). Casinos de juegos del mundo: A survey of world gambling. *ANNALS of the American Academy of Political and Social Science*, *556*(1), 11–21.

Gang Injunctions

Gang injunctions, also known as civil gang injunctions, are court orders sought by public prosecutors to quell a specific gang or named gang members and associates' routine activities in a geographically defined space. The injunctions that have been granted primarily affect impoverished, minority neighborhoods and may actually serve to further stigmatize and oppress innocent minority youth who also live in these communities. This entry briefly explains the history of gang injunctions and the gang injunction process and touches upon the potential for abuse in acquiring gang injunctions.

History

The primary goal of a gang injunction is to eliminate a public nuisance caused by a gang or gang members within a specified target area. Although a couple of gang injunctions have been granted in Texas and Illinois, the overwhelming majority of injunctions have been obtained in southern California.

The use of gang injunctions can be traced back to Santa Ana, California, where, in 1980, a court issued a temporary restraining order that forbade gang members from gathering and drinking at a known gang hangout that was the source of widespread criminal activities in the surrounding area. Over the next couple of years, a few other building abatement injunctions addressing gang activity (i.e., graffiti, drinking, loitering, etc.) were obtained by both the Los Angeles County District and Los Angeles City Attorneys.

The success of these early abatements led to the first court order representing a gang injunction. Although it was quite controversial (even the judge questioned the use of civil sanctions against gang members), 23 named members and all other known members of the Playboy Gangster Crips were prohibited from certain activities, such as trespassing, vandalism, littering, and harassing and intimidating citizens, under civil law. The first injunction to prohibit defendants from appearing in public view with any other defendant within the target area was obtained in 1992 by the Burbank City Attorney's Office against members of the

Barrio Elmwood Rifa gang. It was this injunction that led to a constant course of filings over the next decade.

Strategy Against Gang Environments (SAGE)

A year after the 1992 injunction in Burbank, the Los Angeles County District Attorney's Office established the Strategy Against Gang Environments (SAGE) program. Although SAGE uses community outreach as well as other interventions, its focus is primarily on the use of injunctions. In fact, SAGE attorneys have even been involved in training or assisting prosecutors in other jurisdictions on the injunction process. Additionally, the Los Angeles County District Attorney's Office has published a guide to the SAGE program that includes more than multiple steps in the injunction process.

The Injunction Process

Because the process used to obtain gang injunctions may vary from jurisdiction to jurisdiction, the following discussion refers to the procedures in the SAGE manual. The injunction process usually consists of two phases: acquisition and implementation.

Acquisition Phase

The acquisition phase, also called the issuance phase, involves gathering evidence to build a case against the defendants and attempting to convince a judge to grant the injunction. The main goal of this phase is to demonstrate to the court that the targeted gang is responsible for creating and maintaining a public nuisance in a particular neighborhood. Declarations can be made by the police, community residents, or both, and are submitted to the court to support the claim that the gang is responsible for the public nuisance, as well as to show that the gang is an unincorporated association. Declarations are sworn statements that describe the activities of the targeted gang and the relationship between them, the individual defendants, and the public nuisance. Although they may be more difficult to obtain because of citizens' fears of reprisal, resident declarations are usually more persuasive because of their ability to better detail the implied threat to community well-being.

Once the declarations are collected, the prosecutor applies for a temporary restraining order (TRO) and/or a preliminary injunction that requests immediate relief from the nuisance, including such activities as vandalism, harassing residents, selling drugs, and clustering near certain locations. Whether or not a TRO is issued, an order to show cause (OSC) hearing date is set. The defendants are required to be notified of the hearing but are not required to attend. If the defendants choose to attend, they may have legal representation, but because of the civil nature of the proceeding, they have no right to public defenders. At the OSC hearing, the judge may revise the restricted activities or delete certain individuals' names from the application. If the TRO/preliminary injunction is issued, each defendant must be served, as must the gang, if it is named as a defendant. The TRO/preliminary injunction remains in effect if any defendant chooses to take the suit to trial; however, if no defendant files an answer to the suit (which is most often the case), a permanent injunction is issued by default.

Implementation Phase

The implementation phase, also called the enforcement phase, involves following up with defendants and enforcing the provisions of the injunction. Once defendants have been notified of the injunction against them, they can be arrested for violating any of the conditions of the injunction. It is then up to the prosecutor to decide to bring contempt charges in either criminal or civil court. Besides allowing for all of the constitutional rights given to a criminal defendant, including right to appeal, trial by jury, and court-appointed defense, a criminal contempt charge may carry a $1,000 fine, no more than 180 days in jail, and probation. Civil sanctions include no more than 5 days in jail and a $1,000 fine. Although a civil contempt conviction may seem easier to obtain, criminal contempt allows the prosecutor to seek certain probation conditions, including searches without probable cause and longer incarceration sentences for repeat offenders.

Potential for Abuse

Because civil law prohibits defendants from confronting or cross-examining witnesses, there is increased risk of injunctions being issued based upon perjured statements. Such was the case involving the Los Angeles Police Department's Rampart Division's Community Resources Against Street Hoodlums (CRASH) unit. CRASH officers had provided declarations providing evidence that led to the issuance of two injunctions against the 18th Street gang. It was later discovered that members of the CRASH unit had fabricated other allegations of improprieties against the 18th Street gang, and the enforcement of the two injunctions was suspended.

In addition to the potential for abuse just described, some legal scholars have argued that broadly worded injunctions may threaten innocent minority youths that live in those communities that the courts are attempting to protect. Because gang members have been popularly seen as members of lower-class racial and ethnic minorities, antigang civil injunctions may perpetuate racial stigmas through the labeling of minority youths as gang associates simply because they share racial backgrounds or public spaces with gang members or because they may actively associate with gang members but not participate in a gang's nuisance-causing activities. These individuals may then be arrested during the enforcement stage and have a difficult time proving their innocence due to a lack of financial and legal resources.

Christopher Bruell

See also Rampart Investigation; Youth Gangs; Youth Gangs, Prevention of

Further Readings

Allan, E. L. (2004). *Civil gang abatements: The effectiveness and implications of policing by injunction*. New York: LFB Scholarly.

Maxson, C. L., Hennigan, K., & Sloane, D. C. (2003). For the sake of the neighborhood? Civil gang injunctions as a gang intervention tool in Southern California. In S. H. Decker (Ed.), *Policing gangs and youth violence* (pp. 239–263). Belmont, CA: Wadsworth/Thomson Learning.

Stewart, G. (1998). Black Codes and broken windows: The legacy of racial hegemony in anti-gang civil injunctions. *Yale Law Journal*, *107*(7), 2249–2279.

Gender Entrapment Theory

Gender entrapment theory is a specific micro-level theory that attempts to explain the involvement of battered African American women in crime. Gender entrapment directly refers to the process that African American women who commit illegal activities undergo in response to the threat of violence they receive from their intimate male partners. According to this theory, throughout the gender entrapment process, the African American woman experiences an identity shift (from one of privilege that stems from her household of origin to one of an absence of privilege in her intimate relationship). This identity shift is accelerated because of the violence she is threatened with and/or experiences at the hands of her male partner, ultimately resulting in her participation in illegal activities (such as prostitution, arson or property damage, drug use, or, in the most extreme cases, the killing of one's own intimate partner or children).

Development of Gender Entrapment Theory

Early attempts at studying domestic violence among African Americans focused on certain factors that contributed to domestic violence, primarily high rates of poverty, financial instability, and high levels of unemployment. Studies showed that African Americans were 400% more violent in the home when compared to White Americans and twice as likely to engage in intimate partner abuse. As studies progressed, more focus was placed on the consequences of domestic violence, including why so many battered African American women were committing crime. Studies indicated that African American women were engaging in crime because of several factors, including racism, sexism, classism, and identity development.

Beth E. Richie first introduced the concept of gender entrapment when researching the effects of domestic violence among incarcerated African American women. Richie observed a process

where African American women are vulnerable to male violence in their intimate relationships. From the perspective of gender entrapment theory, this vulnerability underlies the women's experience of violence, which in turn leads the women to take part in illegal activities.

Development of Gender Identity

Prior research that has examined gender entrapment places great emphasis on African American women's gender identity in relation to their household of origin. Most women exposed to gender entrapment had a privileged status within their families as adolescents. Having a privileged status meant that as children these women were praised and given special privileges (e.g., extra spending money for leisure activities, clothing, and other possessions) for certain qualities (including being competent and resourceful, taking care of the household chores, and helping take care of younger siblings) and were used as positive role models for the other children in the household. This privileged status becomes an important contributing element to gender entrapment, as these African American women feel a particular burden and pressure to maintain their privileged status within the family. Furthermore, the gender entrapment process begins when the African American woman's household of origin identity is contradicted by the identity that is created with her intimate partner.

When attempting to explain the link between gender entrapment and gender-identity development, many criminologists suggest that African American women at a young age learn to believe that they are in a better position than African American men. Consequently, African American women learn to feel sorry for their intimate male partner and to always maintain great loyalty to their partner. These feelings leave African American women vulnerable to gender entrapment as they feel pressured and needed to maintain the privileged status that they once had in their childhood.

Intimate Partner Violence

Many criminological studies have indicated that most women stay in abusive relationships until it is too late to get out. Research shows that battered African American women become vulnerable to a cycle of physical, emotional, and sexual abuse. The African American woman chooses not to leave the abusive relationship but to work hard to save the relationship, while at the same time attempting to maintain order in the household. Furthermore, the African American woman blames herself, denies abuse, alienates herself from the world, and abandons any plans she may have made for the future.

A central aspect of gender entrapment is the avoidance of the criminal justice system. For example, some studies suggest that battered African American women view the police as the opposition and will not reach out for help or protection. As the abuse continues, their hope and self-worth are diminished. Research suggests African American women's avoidance of the criminal justice system helps explain how these women become easily lured into illegal activities.

Participation in Illegal Activities

Battered African American women witness a series of downfalls that include their commitment to family life, their tolerance of abuse, and their lack of assistance from criminal justice agencies. Studies suggest that African American women's resistance to criminal justice agencies while they were battered and breaking the law helped cement their gender entrapment.

For instance, Richie compared battered African American women and battered White American women. Her study concluded that White American women felt less stigmatized and less misunderstood than did the African American women. The White American battered women were more willing to reach out for assistance from criminal justice agencies during the time of their battering and breaking the law. Richie's study clearly shows how African American women resisted turning to the criminal justice system and continued to engage in illegal activities because of their strong loyalty to their abusive intimate partner.

Despite the recent interest in why battered African American women are compelled to commit crime, more research is needed. A key factor in gender entrapment that needs more recognition is

the onset of violence and its ongoing effects. More focus needs to be placed on interaction among race/ethnicity, gender, class, and victimization to further understand the nature and scope of gender entrapment.

Lisa R. Muftić and Rebecca D. Foster

See also Black Feminist Criminology; Domestic Violence; Domestic Violence, African Americans

Further Readings

Bent-Goodley, T. B. (2001). Eradicating domestic violence in the African American Community. *Journal of Trauma, Violence, & Abuse*, *2*, 316–330.

Oliver, W. (2000). Preventing domestic violence in the African American Community. *Journal of Violence Against Women*, *6*, 533–549.

Richie, B. E. (1996). *Compelled to crime: The gender entrapment of battered Black women*. New York: Routledge.

Wesely, J. K. (2006). Considering the context of women's violence. *Journal of Feminist Criminology*, *1*, 303–328.

West, C. M. (2002). *Violence in the lives of Black women: Battered, black, and blue*. New York: Haworth Press.

General Theory of Crime

In 1990, *A General Theory of Crime* by Michael Gottfredson and Travis Hirschi was published. The theory described in this book is often thought of as a social control theory with its theoretical foundation in both earlier social bonding theory and learning theory. At its core, the general theory of crime asserts that crime is committed because individuals have no self-control. In other words, if an individual, through processes of social bonding and learning, does not come to behave within the bounds of social norms, this means that he or she has no self-control. When testing the general theory of crime, researchers most frequently include race/ethnicity as either a key independent variable or, along with other demographic variables such as gender, as a control variable. In other words, researchers seek to answer the question, "Are there differences between Whites and minorities when it comes to the role that low self-control plays in the commission of crime and/or delinquency?"

Parenting as a Means to Instill Self-Control in Children

For Gottfredson and Hirschi, self-control is learned primarily through typical processes associated with parenting. Thus it is the institution of the family that carries the most responsibility for ensuring that children learn the meaning of delayed gratification. In this sense, children learn that they cannot always have everything they want, when they want it. Rather, they must learn that good behavior will eventually lead to a positive outcome. Conversely, bad behavior will only lead to negative consequences such as punishment. These theorists argue further that working toward establishing self-control in offspring must begin early. In fact, if self-control is not in place by the time a child is about 8 years old, it is doubtful that the child will be able to refrain from engaging in risk-taking behaviors.

Behaviors Analogous to Crime and Delinquency

One of the underlying assumptions of the general theory of crime is that most people will engage in unacceptable behaviors if they have not developed a healthy sense of self-control. For example, when very young children act out in an aggressive manner toward other children or toward an adult, they have not learned how to control themselves when they become disgruntled with an individual. Adolescents who use tobacco or who engage in underage drinking do so because they have no self-control. Adults who cheat on their income taxes have no self-control. All of these behaviors are signs pointing toward more serious problems in the future. Other behaviors that may be deemed deviant but not yet codified into law and thus recognized as a crime, for example, sexual permissiveness, are all signs of low self-control. Gottfredson and Hirschi suggested that individuals who engage in these types of activities that are *analogous to crime and/or delinquency* are one step away from crossing the line into more serious criminal behavior.

A Critique of the General Theory of Crime

One of the measures of a theory is the empirical support it is able to garner in the research arena. To date, the general theory of crime has demonstrated support for its basic underlying assumption. Studies have shown, for example, that there is a relationship between cutting classes, consuming alcohol, and low self-control among college students. Other studies have shown that low self-control is related to marital problems, educational attainment, and the achievement of, or inability to achieve, career goals.

A major critique of the general theory of crime comes from an argument that the opportunities for crime, rather than low self-control, are more likely to determine whether a crime will occur. In other words, some people may be situated such that opportunities to engage in high risk taking or criminal behavior simply do not exist. This is based on notions from differential opportunity theory and structural positivist theories such as social disorganization theory.

Perhaps the most common critique of general theory of crime is its steadfast argument that the degree of self-control an individual is able to exercise is determined in early childhood and is very difficult to change at any later time. Well-known tests of the theory, however, have refuted such an argument and have shown that self-control varies across the life course. For example, Gottfredson and Hirschi saw race as a factor when it comes to adolescent self-control, suggesting that there is a great deal of variation in how Whites and minorities monitor and supervise their children. Further, according to Gottfredson and Hirschi, there are differences by race when it comes to efforts made by parents to correct inappropriate behaviors. Such an argument suggests that minority youth are less likely to exhibit self-control than are their nonminority counterparts and, as such, are more likely to engage in risk-taking behaviors.

Although some studies suggest that there are significant differences between White and minority youth when it comes to a propensity to engage in risk taking or offending behaviors, there is also evidence that this may be true for younger adolescents but that in older adolescents, the reverse is true. This was a finding related to a major study that utilized data from the National Evaluation of the Gang Resistance Education and Training program. White youth reported, in later waves of the data, engaging in more risk-taking behaviors than did African American youth. Thus it would appear that most researchers who suggest that Gottfredson and Hirschi are incorrect in their basic assumption that self-control does not fluctuate over time are on solid ground. Further, most researchers would argue strongly against the notion that African Americans or other minorities do not place as much emphasis on supervising their children and correcting inappropriate behaviors as do Whites. Assessing variations in the parenting practices of different groups is a complex matter, no less so than exploring the extent to which self-control varies over time.

Gottfredson and Hirschi purport to have developed a theory that can explain all crime at all times and in all places. From the perspective of the general theory of crime, the explanation is quite simple: People engage in such behaviors because they have very low or no self-control. For most theorists, their argument is flawed in that crime is caused by multiple factors. This is akin to seeing the argument "Crime occurs because people freely choose to engage in such behavior" as undersimplified. In both cases, the arguments do not go far enough. Proponents of either the low self-control model or the free will model neglect to consider the multiple rival causal factors that might lead to criminal behavior. What is it, for example, about *society* that creates family climates that are conducive to bonding and learning in some neighborhoods but not in neighborhoods torn apart by disarray and violence?

Summary

The general theory of crime asserts that people commit crime because they have no self-control. If a sense of self-control is not instilled in children in the early years, it is highly unlikely that it will ever be realized. This theory argues that it is a "general" theory of crime in that it can explain all crime (violent crime, property crime, White collar crime, etc.), regardless of the time or place. Some empirical support for the theory has been found, but it still receives a great deal of criticism from proponents of other equally viable theories (structural

theories, conflict theories, etc.). Most modern-day theorists argue that crime/delinquency is much too complicated a social phenomenon to be reduced to such a simple theoretical explanation.

Barbara Sims

See also At-Risk Youth; Family and Delinquency

Further Readings

Evans, D. T., Cullen, F. T., Burton, V. S., Jr., Dunaway, R. G., & Benson, M. L. (1997). The social consequences of self-control: Testing the general theory of crime. *Criminology*, *35*, 475–495.

Gabbidon, S. L. (2007). *Criminological perspectives on race and crime*. New York: Routledge.

Gibbs, J. J., & Geiver, D. (1995). Self-control and its manifestations among university students: An empirical test of Gottfredson's and Hirschi's general theory of crime. *Justice Quarterly*, *12*, 231–255.

Gottfredson, M., & Hirschi, T. (1990). *A general theory of crime*. Stanford, CA: Stanford University Press.

Winfree, T. L., Taylor, T. J., He, N., & Esbensen, F. A. (2006). Self-control and variability over time: Multivariate results using a 5*0*-year multisite panel of youths. *Crime and Delinquency*, *52*(2), 253–286.

Ghetto, Ethnoracial Prison

The concept of the ghetto as an ethnoracial prison is intended to call attention to the relationships between the processes of ghetto prisonization and prison ghettoization. *Ghetto prisonization* refers to the process by which the ghetto has come to resemble a penal institution in which residents are segregated from the larger society and denied the privileges possessed by those outside. The related term—*prison ghettoization*—relates to the transformation of the penitentiary from a correctional institution guided by rehabilitative ideals to a prison "warehouse" characterized by cyclical oppression through racial divisiveness, miseducation, and violence within the prison walls. More specifically, incapacitation as a means of punishment operates like a ghetto in that it separates certain groups (overwhelmingly Black men and now, increasingly, Black women) from the larger society and keeps them confined but controlled by the larger societal apparatus. Still loosely used in research related to social policy, the exact definition of the term *ethnoracial prison ghetto* remains ambiguous at best. Loïc Wacquant often uses the term to describe the way in which both the ghetto and the prison have formally and informally incapacitated the descendants of slaves in the United States. This relationship has been best illustrated through work that analyzes the containment of African Americans, which has historically occurred through the use of "peculiar institutions" such as slavery, Jim Crow practices, ghettos, and the prison-industrial complex.

The Prisonization of the Ghetto

The evolution of the Black ghetto can be traced to the Great Migration, in which southern Blacks attempted to escape from the racial injustice of the southern Jim Crow practices. Though other rationales have been cited, this attempted escape is evidenced, statistically, by the greater numbers of migrants coming from southern counties with the highest rates of lynching. With promises of prosperity and freedom, Blacks fled to the industrialized midwestern and northeastern parts of the United States where they were ultimately subjected to less blatant but equally dangerous forms of social containment. The exploitation of Black labor was prevalent in the industrialized North, the economic and social conditions were poor, and discriminatory practices were apparent in housing, education, and public accommodations.

Ostracized by Whites and shut out of the more prosperous areas of the city, Blacks had no alternative but to take refuge in their own communities, which became "Black cities within the White world." These urban communities, in which African Americans were isolated behind invisible walls, became known as "Black Belts." Black Belts protected White America from any social contact with the ghetto and its occupants.

Research on the ghetto as ethnoracial prison has suggested that the ghetto, similar to slavery and Jim Crow, failed to completely incapacitate those living in the "Black cities within the White world." Rather, during the 1960s in the midst of urban riots and the civil rights movement, African Americans, both inside and outside of the ghetto,

fought for and were legislatively granted the voting and civil rights already legally afforded to them by the U.S. Constitution. This inclusion resulted in more opportunities and alternatives to life in the ghetto. The response to this potential inclusion of northern Blacks was a combination of White flight, White opposition to social welfare programs, and White support for the use of law and order methods to control urban unrest. From this perspective, the ghetto began to function as a preparatory school for the prison system.

The prisonization of the ghetto is best captured by examining specific features that are said to be peculiar to the ghetto. The ghetto was a place of confinement for its inhabitants, primarily lower-class, undereducated minorities who were trapped by the boundaries of their community. This space erected to "maintain" Blacks and "keep them at bay" often provided both beneficial and destructive features. It gave a sense of pride to those who resided there because they had access to services from other Blacks, but at the same time it reminded them that segregation was ever present. The lives of ghetto residents were endangered by high levels of crime, there was a lack of police protection, and the ghetto was overpopulated and overcrowded. The ghetto seemed to deny its residents the pursuit of happiness because the outside world operated on a completely different system of economics, whereas the ghetto communities were blocked from economic growth; nevertheless, ghetto residents continued to work and remained resilient. Often, churches provided comfort. In short, within the ghetto, economic disparity and oppressive-exploitative systems of interlocking oppression controlled the lives of ghetto residents.

The Ghettoization of the Prison

The modern prison has taken on the role of other social institutions in its confinement of African Americans. Although the prison has been labeled as a "surrogate ghetto," one could argue that the incapacitation of African Americans through the penal system existed prior to the formation of the urban ghetto. This is particularly relevant to the history of criminal punishment in the South, where freed slaves were subjected to a set of criminal laws designed specifically for them and applicable only to them. These crimes, referred to as crimes of moral turpitude, created a system by which the South could restore their cadre of free, Black labor through criminal convictions leading to convict leasing, prison farms, and chain gangs.

Unlike the original intent of the contemporary penal system, which was designed for economic profit, the post–Civil War southern penal system simply warehouses inmates, particularly socially constructed criminals of the post–civil rights movement era. However, more recently, the trend of mass incarceration for labor has increasingly become desirable for those in the private industries and the prison-industrial complex. The prison-industrial complex ensures that punishment remains a profitable business through collaborations between lawmakers, for-profit organizations, and the U.S. criminal justice system. For example, legislative bodies pass "tough on crime" policies that contribute to increases in incarceration; these policies are supported by the interested parties, such as private prison corporations who build and profit from the construction of prisons and for-profit businesses who use cheap prison labor to cut costs. The interested parties are afforded favors by governmental organizations such as State Departments of Corrections offering prison space (i.e., cheap rent) for the private companies to house their operations All the while, the inmates are receiving minimal wages despite the profits from their labor; thus the inmates and their community are caught in an economic stranglehold. This economic control ultimately creates a symbiotic relationship between the ghetto and the prison, with people caught in a cycle whereby they leave one system only to arrive in the other.

Thus the current penal system serves to exploit the same people that its sister "peculiar institution," the ghetto, attempted to incapacitate—people of color. The prison becomes an extension of the ghetto; in fact, they become almost synonymous. Although the history is different, disproportionality is greater with Blacks, and the concept was developed in the context of Blacks, the concept of the ethnoracial prison ghetto applies also to Latinos.

The most common factor leading to the disproportionate number of minorities being herded into the criminal justice system is the War on Drugs. Launched in the 1980s, federal law mandates

minimum prison terms for "serious" drug crimes. In 1980, there were 4,749 sentenced drug offenders within the federal system. In 2005, 55% (86,972) of inmates under federal jurisdiction were incarcerated for drug violations. In addition, the Federal Bureau of Prisons reports one of the largest growths in the prison population at midyear of 2006.

The use of tougher punishments such as mandatory minimums and three-strikes laws has led to the disproportionate confinement of lower-class and undereducated populations, namely, African Americans and Latinos. With the steady increased use of harsher penalties and decreased use of good time and parole, the prisons are operating above maximum capacity, keeping the targeted population in and society "protected." In short, prison acts as a surrogate ghetto, no longer with invisible walls but with steel ones, removing the occupants from the public's view.

Isis N. Walton and Cherie Dawson Edwards

See also African Americans; Davis, Angela; Disproportionate Incarceration; Felon Disenfranchisement; Great Migration

Further Readings

Wacquant, L. (2000). The new "peculiar institution": On the prison as surrogate ghetto. *Theoretical Criminology*, *4*(3), 377–389.

Wacquant, L. (2001). Deadly symbiosis: When ghetto and prison meet and mesh. *Punishment & Society*, *3*(1), 95–134.

Goetz, Bernard (1947–)

In the mid-afternoon of December 22, 1984, Bernard Goetz shot four African American males, Barry Allen, Darrell Cabey, Troy Canty, and James Ramseur, while riding the number 2 train in New York City. The incident began when Goetz was approached by Troy Canty, who asked how Goetz was doing. Goetz interpreted the inquiry as a prelude to a mugging. Canty asked for and then demanded money from Goetz. Goetz produced a .38 caliber handgun and shot the four youth. Goetz was indicted on criminal charges, including attempted murder, but was convicted only of illegal possession of a handgun. However, in a civil trial, damages of $43 million were awarded to Darrell Cabey, who was paralyzed and suffered brain damage as a result of the shooting. This case generated great controversy, especially concerning the justification of vigilantism, and it is important to the study of race and crime because the incident was interracial (Goetz is White) and public statements made by Goetz were viewed by many people as highly offensive.

In testimony, Goetz stated that he shot Cabey a second time, after saying, "You don't look too bad, here's another." The shot severed Cabey's spinal cord and resulted in his paralysis. A passenger pulled the emergency brake, bringing the train to a stop. Goetz stepped from the train and disappeared into the subway tunnel after briefly checking on two nearby passengers. In media coverage, Goetz became known as the subway vigilante. Reports indicated that the youth had three screwdrivers in their possession and each had an arrest history. Reports of the screwdrivers being sharpened were unfounded but widely reported. Goetz had been the victim of a mugging 3 years earlier after which he attempted to get a license to legally carry a handgun. His permit to legally carry a concealed handgun request was denied, so he resorted to carrying a handgun illegally.

Goetz surrendered to authorities in Concord, New Hampshire, on December 31, 1984. Two confessions by Goetz, one taped in New Hampshire and one later taped in New York, were videotaped and played a role in grand jury proceedings, the criminal trial, and the subsequent civil proceedings against Goetz. A grand jury was convened in late January 1985, and he was indicted on three counts of illegal weapons possession. The grand jury failed to return an indictment on the more serious charges facing Goetz, including attempted murder and assault. The favorable public opinion Goetz enjoyed following the shooting began to wane, and political pressures on the prosecution increased. As a result, the case against Goetz was brought to a second grand jury. On March 27, 1985, Goetz was indicted by a second grand jury on a total of 13 charges ranging from illegal weapons possession to attempted murder. Prior to the

start of the trial in the spring of 1987, a significant portion of the indictment was dismissed by the trial judge due to the instructions to the grand jury associated with the reasonable person standard for self-defense; the charges were later reinstated by the Court of Appeals. Goetz had the benefit of the legal defense of Barry Slotnick during his criminal trial.

Slotnick was able to successfully argue a claim of self-defense on behalf of Goetz. New York law allows deadly force in self-defense to thwart an attempted robbery. A key provision of the defense claim is that imminent force or threat of force was being used to take property from another person. When self-defense is used to ward off an imminent physical threat, legal traditions require that the use of force be necessary and proportionate to the threat posed to the individual. The person using self-defense also cannot be the initial aggressor. In the case of Goetz, the four men did not show the screwdrivers to Goetz, although Goetz testified that one of the men had his hand in his pocket and there appeared to be an unidentified object. The defense centered on Goetz's belief of an impending physical harm if he did not comply with their demands for money. The defense argued that a subjective test should be used to evaluate Goetz's belief so that his attitudes toward minorities and his experience in getting mugged could have been introduced to explain his fear of being robbed and beaten. However, the New York Court of Appeals required that an objective standard be used as the basis for determining the reasonableness of his actions.

Although New Yorkers faced violent crimes and social disorder, statistically, the subway did not pose a significantly high threat to their personal safety. In the criminal case, Goetz faced a jury that included several people who had had experience with crime and fear of crime. The charges Goetz faced were both serious and confounding to his claim of self-defense. Goetz faced a charge of criminal possession in the second degree; the penalty ranges from a mandatory minimum of 1½ years to 15 years. An interesting issue was whether the illegal possession of a handgun would imply the actor's intent to use it for an unlawful purpose. Also, the attempted murder charge addresses the defendant's intent and would focus on his state of mind. Slotnick was able to portray the four shooting victims as predators and referred to them as the gang of four. Slotnick was able to portray Ramseur as a thug as he refused to cooperate on the witness stand and was also charged with contempt. Goetz did not take the stand in the criminal case, but both sides made use of the taped confessions. Goetz was convicted for criminal possession and found not guilty on the other charges; he served less than a year in jail.

Ron Kuby represented Cabey for his civil case against Goetz. There were several significant differences between the criminal case and the civil case. The civil case took place in 1996, almost 12 years after the shooting took place. Crime and social disorder problems in New York were markedly different. Both were in decline. The burden of proof is lower in a civil trial compared to a criminal trial. The criminal trial took place in Manhattan with a predominantly White jury, whereas the civil trial took place in the Bronx with an African American and Hispanic jury. In the criminal case, Goetz was defended by Slotnick, an experienced and skilled attorney, and in the civil case, Goetz was defended by Darnay Hoffman, who was a relatively inexperienced attorney. In the criminal case, Goetz could avoid the witness stand, but the protection against self-incrimination does not extend to civil cases. Goetz's views toward minorities were also more public. Goetz was found not guilty of the more serious criminal charges stemming from the shooting, but he was found responsible for the harm inflicted on Cabey. The jury awarded $18 million in damages for the physical harm and $25 million in punitive damages in a civil trial which concluded in April 1996.

David A. Mackey

See also Victimization, White; Vigilantism; Violent Juvenile Offenders

Further Readings

Brooks, M. (1998). Stories and verdicts: Bernhard Goetz and New York in crisis. *College Literature*, *25*(1), 77.

Fletcher, G. P. (1988). *A crime of self defense: Bernie Goetz and the law on trial*. New York: The Free Press.

Great Migration

At the end of the Civil War, about 90% of African Americans lived in the former slave-holding states of the south. But as Reconstruction ended and the promises of emancipation dimmed, Blacks began to leave the agrarian south for cities in the north like Chicago, Detroit, New York, and Philadelphia. It is estimated than more than 6 million African Americans left the South between 1910 and 1970. This population movement, especially the period between 1915 and 1930, is known as the Great Migration. Within this time frame, several waves of migration occurred; however, the largest wave of migration took place during World War I, as thousands of factory workers left to fight the war. This entry examines the causes of the Great Migration and discusses the social, legal, and economic challenges faced by African Americans in northern cities.

Causes of the Great Migration

After the Civil War and despite the end of slavery, some southern Whites continued to engage in racial targeting and lynching, especially in the post-Reconstruction era during the close of the 19th century. African Americans sought an alternative to the harsh life in the segregated South, where Jim Crow laws left them disenfranchised and without recourse when they experienced blatant discrimination and violence. Many African Americans envisioned the North as a place where they could escape these conditions and experience a better life.

During the latter half of the 19th century, changes took place that drastically altered the agrarian ways of life and production. New technology, manufacturing, and mass production contributed to the reshaping of the modern city. Immigrants, predominantly from European countries, poured into the United States, searching for cheap, habitable land and factory jobs. The industrial era also spurred the development of jobs for migrants from the South. In contrast, the sharecropping system implemented in the southern United States after the Civil War left many African Americans destitute. An infestation of boll weevils in the early years of the 20th century damaged the cotton fields, and devastating floods worsened conditions further. Moving to the North offered many African Americans the opportunity to find work and earn wages that were considerably better than what they could find in the South.

Another factor in migration was the role of labor agents who represented large companies such as railroads and recruited African Americans in the South for jobs in the North. Especially during World War I, when many White men left factory jobs to fight in the war, labor agents persistently exploited southern Blacks. They made promises of work and better living conditions that enticed Blacks from the South to move out of a region that offered them very little in comparison with the promising northern city life. The war also brought about the need for more products and war materials that were sold to European countries, and as a result labor agents hired masses of Blacks to maintain productivity levels. Labor agents also played a fundamental role in overcoming labor union strikes in the North by hiring southern Blacks to cross picket lines.

Finally, the North offered both men and women an opportunity to acquire work so that a couple could both earn wages. This was very different from the typical work arrangement among families in the South, where the burden of labor was spread across the entire family but there was only one source of income. In the North, an entire family could move with the hope of earning two wages. African American men were more likely than African American women to migrate, however. The typical scenario consisted of Black men leaving behind families, often sending back remittances, and eventually reuniting with their family some time later.

Anecdotal evidence of the benefits of the North was enticing for many Blacks and often provided a motivation for moving. African American newspapers such as the *Chicago Defender* provided information about jobs in the North, and Black churches provided material resources for migrants. Many newcomers to the North moved in with other family members or friends when they migrated, and this social support eased the transition to a new environment. Organizations such as the National Urban League helped newcomers find both jobs and housing. These sources of kinship and community support helped make migration seem feasible to southern Blacks seeking change.

Racial Discrimination in Northern Cities

Although Blacks sought opportunities to create a better life, they were often hindered by discriminatory and racist attitudes among northern Whites, in addition to housing policies that resulted in the isolation of Black neighborhoods. Migration itself, social inequalities, and limited opportunities in the North contributed to Black involvement in crime and delinquency in urban areas.

Most of the Black migrants who were able to find housing settled in overcrowded tenements in the center of the city where a majority of jobs were located. Immigration from Europe intensified the demand for housing. Northern cities rapidly became crowded and socially disorganized; as more Blacks migrated northward, the range of social pathologies increased. Many migrants lived in slumlike conditions, with little to no access to public resources such as water and sanitation. Furthermore, the shortage in housing only exacerbated the problem as landlords saw the potential to exploit these populations by subdividing apartments and charging higher rent. In most major cities to which Blacks migrated, the number of applicants for housing outweighed the number of available units. Subdivision and overcrowding were all too often the remedies to the problem.

Finding employment in factories became a daunting process for many migrants. White laborers were outraged by Black laborers who were not unionized and who were paid lower wages than Whites. Labor agents employed thousands of Black migrants, a situation that only fueled anger among Whites, especially during strikes. Black migrants were prevented from obtaining trade or skilled jobs by native Whites and other European immigrants, and as a result, Blacks were offered only jobs that required manual labor and few skills. Furthermore, migrants were exposed to longer work hours and poorly ventilated work areas, and they often suffered from health conditions that resulted in many deaths. Wages for Blacks lagged far below those of the middle class, and the lack of transportation prevented many Blacks from moving out of city slums. Children of migrants were denied equal access to education, and they often attended underfunded schools with few resources.

Deindustrialization and Ghettoization

The Depression brought the shutdown of many factories and contributed to the economic problems confronting African American communities. Blacks were affected most seriously by the decline of the manufacturing and industrial sectors and the resulting loss of industrial jobs.

Due to an onslaught of social, economic, and technological innovations that made it possible for Whites to escape the inner cities and move outward, Blacks in the North faced new modes of discrimination. Assisted by federal policies, Whites were steered into homeownership in the surrounding suburbs at the expense of Blacks. The Federal Housing Authority (FHA) of the 1930s was developed in order to assist homebuyers with loans. The FHA created an appraisal system with the use of mortgage redlining as a tactic to facilitate the out-migration of Whites from the inner cities, while preventing Blacks from moving entirely. By the mid-1920s, redlining had become an important factor that contributed to the decline of property values of city residences. Most often, the victims of these policies were migrants who were most concentrated in the areas considered of little value. Realtors, banks, and local city government contributed to "White flight" and often urged Whites to move out of Black neighborhoods. Wealthier Blacks also contributed to the segregation of migrant Blacks from the South by moving out of Black neighborhoods. As a result of this social separation, migrant Blacks were isolated in pocket enclaves, often with other migrants from the same regions of the South.

To worsen the problem, highway systems often tore through city centers and displaced thousands of inner-city residents, predominantly Blacks and other minorities with little or no assistance for relocation. If federal housing did become available, it was offered in cities and not in the suburbs, thus preventing Blacks from integrating in suburban neighborhoods. Once again race played an intricate role in this process. Further discrimination and acts of violence by Whites led to major riots by Blacks. Returning White veterans were in need of work and engaged in acts of discriminatory violence. All across major cities, riots of varying magnitude broke out and in some cases ended in the loss of Black

lives. Setbacks such as these severely hampered Black life in the North, stalling the movement toward equality.

By the late 20th century, these shifts in population had brought about many negative consequences, especially for those left behind. The weakened tax base made it impossible to sustain the inner cities and led to a growing economic disparity between urban and suburban areas. The movement toward the suburbs resulted in structural shifts of income and left behind a new culture of poverty marked by isolation from mainstream society, residential segregation, and few chances for socioeconomic mobility.

Politics, Power, Privilege, and the Law

The isolation of poor Blacks in ghetto neighborhoods resulted in a lack of political power as the White majority created laws that were most beneficial to Whites. Mob violence, riots, and pushback against the structural forces of the political economy instilled negative images of Blacks among Whites. Exploited by the media and politically powerful, Blacks were progressively painted as criminals and dangerous to the community's well-being and safety. Driven by fear-mongering, law enforcement and police power became new tools to overcome criminality in the Black neighborhoods. Although the vast majority of African Americans do not commit crimes, negative stereotypes associated with Blacks have left a lasting impression upon the fabric of the United States. Racial profiling became a common method of policing inner cities, and over time, racial profiling was used to arrest and convict thousands of Blacks for nonviolent crimes.

The millions of Blacks who migrated northward in the hope of economic stability often had no capital resources or assets to build upon, and they were subjected to harsh treatment, poor pay, and structural barriers. Exploitation and victimization became common methods for crime control. Black criminals at the time faced White judges, all-White juries, and punitive laws created by Whites in political power, resulting in mass incarceration.

The culmination of policies affecting Blacks in particular has created a wedge in the American people along race and class lines. Although the Civil War ended slavery and granted freedom, a new kind of social control was effected in the North, one that utilized race as a divisive tool.

Leila Sadeghi

See also Black Criminology; Detroit Race Riot of 1967; Media Portrayals of African Americans; Structural–Cultural Perspective; War on Drugs; White Privilege

Further Readings

Arnesen, E. (2003). *Black protest and the great migration: A brief history with documents*. Bedford, MA: St. Martin's.

Gabbidon, S. L., Greene, H. T., & Young, V. D. (Eds.). (2002). *African American classics in criminology & criminal justice*. Thousand Oaks, CA: Sage.

Grossman, J. R. (1989). *Land of hope: Chicago, Black southerners, and the Great Migration*. Chicago: University of Chicago Press.

Hirsch, A. R. (1983). *Making the second ghetto: Race and housing in Chicago 1940–1960*. Chicago: University of Chicago Press.

Kusmer, K. (Ed.). (1991). *Black communities and urban development in America, 1720–1991* (10 vols.). New York: Garland.

Lemann, N. (1991). *The promised land: The Great Black Migration and how it changed America*. New York: Vintage Books.

Trotter, J. W., Jr. (Ed.). (1991). *The Great Migration in historical perspective: New dimensions of race, class, and gender*. Bloomington: Indiana University Press.

Trotter, J. W., Lewis, E., & Hunter, T. W. (Eds.). (2004). *The African American urban experience: Perspectives from the colonial period to the present*. New York: Palgrave Macmillan.

Gregg v. Georgia

In 1976, the U.S. Supreme Court's ruling in *Gregg v. Georgia* reestablished the death penalty as constitutional in certain circumstances. The ruling came after a 4-year moratorium resulting from the Court's 1972 decision in *Furman v. Georgia,* which had found the death penalty to be unconstitutional as it was then applied. Death penalty opponents had cited significant racial disparity in death sentences in *Furman,* but race was not cited by the *Gregg* Court as a justification for overturning the death penalty. Racial

disparity, in both the race of the defendant and the race of the victim, remains a major concern of death penalty opponents.

Crime, Investigation, and Trial

Troy Gregg and a companion, Floyd Allen, were picked up while hitchhiking on November 21, 1973, by Fred Simmons and Bob Moore. Outside of Atlanta, Georgia, the four travelers took a rest stop by the side of the road, where the bodies of Simmons and Moore were found the next morning. They had been killed by a .25 caliber pistol. Based on a report from a third hitchhiker who gave a description of the car the four had driven in, police picked up Gregg and Allen on November 24 in North Carolina. Gregg and Allen were in the car described by the third hitchhiker, and Gregg had a .25 caliber pistol, later shown to be the one used in the shooting of Simmons and Moore.

Gregg admitted in a signed confession to shooting and robbing both Simmons and Moore. He initially claimed he had shot in self-defense, whereas Allen stated that the shootings happened during the course of the robberies and were deliberate. When detectives brought Gregg back to the crime scene, he confirmed Allen's version of the story.

At trial, Gregg claimed self-defense, but his contrary statements to detectives and a letter he wrote to Allen were put into evidence against him. Gregg was convicted by the jury of two counts each of murder and of armed robbery. In the separate sentencing phase of the trial, he was sentenced to death for each of the murders, based on the presence of two of ten aggravating factors required by the new Georgia capital murder statute; only one was required. On appeal, the Georgia Supreme Court upheld the sentence, and Gregg then appealed to the U.S. Supreme Court.

U.S. Supreme Court Ruling

The issues before the Supreme Court were whether the death penalty was a constitutional form of punishment for the crime of murder and, if so, whether the Georgia capital sentencing statute provided sufficient procedural safeguards against arbitrary and capricious imposition of the death sentence. In *Gregg,* the Court upheld the majority finding in *Furman* that the punishment of death for the crime of murder did not, in and of itself, violate the Eighth or the Fourteenth Amendment. Next, the Court considered whether the procedural safeguards established by the Georgia State Legislature in response to the *Furman* decision were sufficient to minimize the risk of arbitrary and capricious imposition of the death sentence. These safeguards included a bifurcated procedure: First, a trial was held to determine guilt or innocence. The guilty verdict was then followed by a separate hearing to determine whether a sentence of death was appropriate. In this penalty phase of the trial, the jury was to consider aggravating and mitigating factors. The jury in *Gregg* in fact had found two of the aggravating factors defined by the new Georgia capital sentencing statute to be present: The murders were committed firstly while the defendant was engaged in another capital offense (armed robbery), and secondly in order to obtain the victims' property. The Supreme Court held that this statutory scheme and these findings were adequate justification for the imposition of the death penalty.

Meaning and Significance

The Supreme Court's opinion in *Furman v. Georgia,* which had found the death penalty unconstitutional as then applied, had caused confusion among the states. After the *Furman* decision, 35 states passed new capital sentencing statutes that attempted to comply with *Furman;* some states made capital punishment mandatory for specified offenses, whereas others enacted schemes of mitigation and aggravation.

The guidance from *Gregg* and the cases that followed it set boundaries within which states may choose their own statutory capital sentencing schemes. The formulas for aggravating factors may vary, they may be subjective, and they may "double count" the same fact under two different aggravating factors. The critical joint legacy of *Gregg* and *Furman* is the requirement that states legislatively guide the discretion of juries and judges; the methods vary, but the requirement remains.

Other capital sentencing schemes, which require the jury to weigh the aggravating factors against the mitigating factors, were specifically found to pass constitutional muster in *Jones v. United States*, where the federal death penalty statute was found to be constitutional.

Some historians argue that *Gregg v. Georgia* is the most important death penalty case in American jurisprudence, whereas others claim that *Furman v. Georgia* is the most important. Both cases helped to shape the landscape of the death penalty in the United States today. *Furman* set what was out of bounds in terms of applying the death penalty, *Gregg* gave an example of what was in bounds, and other cases since then have either clarified the boundary or tracked its shifting.

Under the Eighth Amendment, which prohibits cruel and unusual punishment, defendants sentenced to death must have been convicted of a crime for which the death penalty is proportionate, considering both the harm that was caused and the moral blameworthiness in causing such harm. The Constitution therefore requires some level of uniformity in the sentencing process. Reserving power to the legislature to set standards regarding public policy may be considered wise because it prevents judges from arbitrarily imposing their own moral standards in sentencing.

Sam Swindell

See also *Coker v. Georgia*; Death Penalty; *Furman v. Georgia*; Marshall Hypotheses; *McCleskey v. Kemp*

Further Readings

del Carmen, R. (2007). *Criminal procedure* (7th ed.). Belmont, CA: Wadsworth.
Furman v. Georgia, 408 U.S. 238 (1972).
Gregg v. Georgia, 428 U.S. 153 (1976).
Jones v. United States, 527 U.S. 373 (1999).

Gringo Justice

In his 1987 book *Gringo Justice,* Chicano sociologist, lawyer, and activist Alfredo Mirandé provided an alternative to mainstream explanations of Chicano criminality and its social control. His book, one of the most widely recognized works in the field of criminology and criminal justice, offers a sociohistorical explanation of the seemingly disparate treatment of Mexican-origin Latinos within the U.S. criminal justice system. The concept of gringo justice developed by Mirandé offers a perspective that is rooted in a Chicano worldview and responsive to the particularities of Chicano culture and history. Even so, labeling, conflict, and social constructionist perspectives inform this framework, which first appeared alongside the early developmental years of the scholarly legal movement now commonly referred to as critical race theory.

At the heart of the concept of gringo justice is an assertion that a dual standard of justice in the United States benefits Whites at the expense of Mexican Americans. Gringo justice points to the historical development and maintenance of a stereotypical image of Chicanos as inherently criminal, rather than looking toward internal shortcomings (biological, psychological, and/or cultural) of Mexicans to explain their criminal behavior and its societal regulation. It is the mobilization of this stereotype at suitable times by public and/or private actors that produces the conscious or unconscious disparate treatment of Chicanos at the hands of various criminal justice agents and legal authorities. This entry reviews the relationship between the United States and Mexico from the early 19th century to the present, highlighting the ways in which U.S. policy and socioeconomic interests contributed to the development of a stereotype of Chicano criminality.

The Development of Gringo Justice

To fully comprehend the negative manifestations of gringo justice, it is necessary to recognize and understand the legacy of social, economic, and political conflict between the United States and Mexico, which developed during the early 19th-century settlement of the northern Mexico borderlands now identified as the American Southwest. Ironically, Mexican authorities formally invited American immigration into their northern borderlands as early as 1822 to help stabilize the region, which basically was populated by a number of nomadic and warring indigenous tribes, despite over 200 years of Spanish and Mexican colonizing efforts. A trickle of legal immigrants recruited through *empresarios*, or land agents, soon turned into a tide of mostly southern, undocumented American immigrants who brought with them preconceived notions of

Anglo superiority and dominance. Not surprising, these Anglo American immigrants in the northern borderlands came to view Mexicans as a subhuman and inferior mongrel race due to their centuries-old African, Indian, and European *mestizaje*, or racial/ethnic mixing.

This negative view of Mexicans coincided with national desires of American expansionism that congealed into the concept of Manifest Destiny. This belief became the rallying inspiration and justification for God's chosen people to settle the North American continent in order to spread freedom through democratic institutions among those who could be self-governed. Unfortunately, non-Whites, and to a lesser degree, non–Anglo Saxon Protestant Europeans were excluded from the category of those who could be self-governed. Mexicans, with their mixed racial and cultural background and adherence to feudal and Catholic traditions, were the antithesis to emergent American core values.

Equally important as a push factor for American emigration to northern Mexico was the issue of slavery. In 1820 the Missouri Compromise allowed Missouri to enter the union as a slave state, but barred the further spread of slavery in any U.S. state or territory located north of Missouri's southern border. This forced slave owners to push westward for additional territory to expand the booming cotton industry made extremely profitable by free slave labor. After Mexican independence from Spain, however, Mexico's constitution of 1824 outlawed the growth of slavery, and in 1829 a presidential proclamation abolished slavery completely. Southern slave owners who immigrated to Mexico's northern borderlands before this time period through empresario grants lobbied the Mexican government for exemptions, with later immigrating slave owners disdaining any and all Mexican laws abolishing slavery. This disregard for slave laws pitted American immigrant land grant holders against Mexican land grant holders who were without the advantages of slave labor to compete in the growing capitalist world market.

Non–slave owning American immigrants' disdain for any formal Mexican governance was manifest in the overall advantages provided to Mexican land grant owners. First of all, American immigrants applying for Mexican land grants had to formally decree their allegiance to the Mexican government by agreeing to become Spanish-speaking, Mexican Catholic citizens. Even then, American immigrant land grant applicants were at a disadvantage in securing large portions of the best arable land that were reserved for Mexican citizens, which included mestizos, de-tribalized Indians, and Afromestizos, as well as even more favored peninsulares and criollos. This limitation to smaller parcels of less arable land was particularly troublesome for American speculators and developers immigrating to the region. In fact, it was quite evident to all Americans that Mexican lands were a fountain of resources for a burgeoning U.S. society bent on spreading modern capitalist society around the globe.

U.S.–Mexican War and the Treaty of Guadalupe Hidalgo

Social, economic, and political conflict on the northern Mexican frontier came to a head through several successful and unsuccessful American filibustering endeavors that led up to the largely American immigrant declaration of Texas's independence from Mexico in 1836. Mexican officials' refusal to recognize this pronouncement burst open violent hostilities between Anglos and Mexicans over land and political power. Oddly enough, it was Mexican resistance to American aggression and illegal colonizing efforts that led to the evolution of the Mexican "bandido" stereotype. This negative icon portrayed Mexicans as bloodthirsty savages filled with wanton lust for American land and women and worked to justify sustained skirmishes in disputed lands. This provided the rationale for the formal U.S. protection of American emigrant "freedom fighters" through the annexation of Texas in 1845. For Mexico, this was a violation of international law and a declaration of war between the United States and Mexico that lasted from 1846 to 1848.

Critical analyses of early criminological research notes the tendency for many scholars to discount the enduring impact that the violent mid-19th-century takeover of the southwestern United States had on Mexican Americans and agents of social control. More often than not, this legacy of mistrust was manifested in biased law enforcement and unjust legal practices that deleteriously impacted Mexicans. The dubious exploits of the famed Texas Rangers that rose up during this era

provides an example: Whereas many scholars have loudly praised the Texas Rangers' heroic-like motivation and tactics, others have likened them to a private state militia employing vigilantism in the protection of Anglo interests from renegade Indians, Mexican bandidos, and runaway slaves. Furthermore, the 1848 Treaty of Guadalupe Hidalgo, which ended "official" hostilities between the United States and Mexico, became a pretense for a legal and extralegal land grab that left Mexicans powerless and transformed them into a dependent labor force for southwestern commercial agriculture and industrialization.

In particular, U.S. governmental officials diluted provisions in Article VIII of the treaty that guaranteed the social, economic, and political rights of Mexicans remaining in ceded Mexican territories that included present-day Arizona, California, New Mexico, Nevada, Texas, Utah, and parts of Colorado, Kansas, Oklahoma, and Wyoming. Article VIII stipulated that Mexican citizens who decided to stay in the ceded region within 1 year from the date of treaty ratification would be treated as American citizens and entitled to all U.S. constitutional rights. On the other hand, Article IX proved most problematic for Mexicans in that it made the U.S. Congress the final arbiters of full American citizenship rights for Mexicans, rather than those rights being granted automatically as stipulated in Article VIII. Especially contentious turned out to be whether or not Mexicans, with their mixed racial/ethnic heritage, were entitled to full American citizenship, which at the time was reserved for free White males first and foremost.

The U.S. Congress's total deletion of Article X, which guaranteed the validity of land grants distributed by Mexican authorities before the war, further disenfranchised Mexicans. It became extremely difficult and expensive to prove land grant ownership through Spanish-language documents brought forth in English-speaking tribunals. In effect, many scholars agree that the total disregard for the Spanish language and legal customs was commonplace. Annual property taxes added to the exorbitant legal expense Mexican land owners incurred while trying to legitimate their land grants in long, drawn-out land claims. Hence, many Mexican land owners would sell their lands at less than market prices to avoid total destitution. When the takeover of Mexican lands could not be accomplished legally, Anglos often turned to forceful extralegal means in their endeavors.

Informal and formal vigilante groups like the Texas Rangers became pitted against Mexican social bandits throughout the southwest like Gregorio Cortez, las Gorras Blancas, and Juan Cortina. These social bandits were perceived as heroes by the Mexican populace because they openly resisted the legal and extralegal takeover of Mexican lands, suppression of Mexican civil rights, and the violation of Mexican families. Nevertheless, the eventual landless status of the majority of Mexicans in the region hastened their downward spiral into second-class citizenry with little influence on social, economic, and political institutions that could rectify their situation.

20th-Century Gringo Justice

U.S.–Mexican relations at the turn of the 20th century proved critical in reinforcing and reshaping the border bandido stereotype. Class conflict in Mexico produced the first big wave of Mexican immigration to the United States. Included among these immigrants were Mexican revolutionaries who sought political asylum in large southwestern Mexican urban enclaves. From here, these individuals spoke out against U.S.-supported governmental officials and economic policies in Mexico. They also spoke out against the mistreatment of Mexicans and Mexican Americans within the United States and became instrumental in the early development of Mexican labor organizing in the United States. This, coupled with border skirmishes against Pancho Villa's revolutionary army of the north, gave rise to a notion of unpatriotic disloyalty among the U.S. Mexican-origin immigrant and nonimmigrant population.

Even so, the desire for Mexican immigrant labor swelled as Asian and southern, eastern, and central European immigrant labor became scarce with the implementation of restrictive immigration policies directed toward these groups. The *barrioization*, or hypersegregation, of the U.S. Mexican population solidified during this early 20th-century era, and at the same time, rural and urban barrios began to appear in regions outside of the Southwest. As is characteristic of most socially, economically, and politically neglected

neighborhoods, illicit activities turned problematic in Mexican barrios. Compounding problems were cultural differences in the definition of unacceptable conduct. Research suggests that the appearance of the cruel Mexican macho alcoholic developed out of a divergence in attitudes toward alcohol consumption between Mexicans and Anglos. In response, early 20th-century reformers and powerful business elites used misdemeanor criminal codes as a means for further securing a dependent labor force for social, economic, and political gain. The arbitrary application of vagrancy, substance use, prostitution, guns, personal assault, and contraband legal codes against Mexicans amounted to outcomes similar to those of Jim Crow laws for southern Blacks.

The Great Depression era exacerbated historically tenuous relations between Anglos and Mexicans and brought about the highly questionable repatriation of Mexicans and Mexican Americans that many felt would help stabilize wide-scale unemployment and poverty in the United States. Regardless, a mostly young, U.S.-born Mexican American community began to organize politically in order to fend off both individual and institutional discrimination at the hands of mainstream society. Indeed, the pachuco zoot-suiters came to be seen as a plague to American culture and society by the 1940s. Their eccentric style of dress and associated youth subculture symbolically challenged anti-Mexican sentiments, which came to a boil in Los Angeles during World War II. With the aid of the local media spiraling nativist frenzy, American servicemen openly attacked Mexican zoot-suiters in the summer of 1943 with little intervention by the police, which amounted to arresting Mexicans for resisting the vicious attacks.

Gringo Justice Today

Today, *Gringo Justice* should be viewed as a seminal work for Latina/o critical theory, an offshoot of critical race theory. With the help of critical race feminism, LatCrit legal theory has helped illuminate further how Latina/o criminal stereotypes are tied to issues of race/ethnicity/culture, class, and gender. At the turn of the 21st century, popular images of Mexican criminality include ruthlessly violent "gang-bangers," "illegal alien drug smugglers," and "illegal alien welfare queens." Be that as it may, current research contradicts private and public notions of increases in criminal activity due to Latina/o immigration. Further research is needed that examines how the internalization of criminal stereotypes impacts Latina/o criminal activity. Emerging research suggests that antisocial behavior tends to increase with increased generational exposure to American culture and society.

Ed A. Muñoz

See also Critical Race Theory; Latina/o Criminology; Latina/o/s; Media Portrayals of Latina/o/s; Minority Group Threat; Profiling, Ethnic: Use by Police and Homeland Security; Profiling, Racial: Historical and Contemporary Perspectives; Racialization of Crime; Zoot Suit Riots

Further Readings

Bender, S. W. (2003). *Greasers and gringos: Latinos, law, and the American imagination*. New York: New York University Press.

Martinez, R., Jr., & Valenzuela, A., Jr. (Eds.). (2006). *Immigration and crime: Race, ethnicity, and violence*. New York: New York University Press.

Mirandé, A. (1987). *Gringo justice*. Notre Dame, IN: University of Notre Dame Press.

Muñoz, E. A., Lopez, D. A., & Stewart, E. (1998). Misdemeanor sentencing decisions: The cumulative disadvantage effect of "gringo justice." *Hispanic Journal of Behavioral Sciences*, *20*(3), 298–319.

Guardians, The (Police Associations)

African American police officers around the United States began to form fraternal groups as early as 1922, when such groups were organized in the New York City Police Department (NYCPD). Many of the groups took the name Guardians, although, regardless of their names, the groups shared patterns of initially meeting for fellowship or benevolent support, generally without the approval of their departments, and finally gaining charters from their cities or departments as one of the many ethnically or racially based groups active

in large departments. This entry highlights the history of the Guardians and other police organizations concerned with the advancement of Black police officers.

The first Guardians Club in the NYCPD comprised 31 officers, most of them assigned to the 32nd Precinct in Harlem, the city's largest African American neighborhood. One of the group's founders was Samuel Battle, who had been the first African American to pass the police officer civil service exam in New York City in 1910 and who was the department's first Black supervisor. In addition to Battle, who upon his retirement in 1941 became New York State's first Black member of the Parole Board, more than half the members had achieved at least one first for African American officers. Although sharing a name with the current Guardians, the forerunner group was strictly a social club and was one of a number of similar clubs for Black officers.

The development of organizations of Black police officers differed in the southern United States because of the explicit policies of racial segregation. Although southern and western associations of Black officers rarely used the word *Guardians* in their names, they were more actively involved in political action than were northern groups and they set a course that the Guardians would eventually embrace. One of the earliest such groups was Houston's Texas Negro Peace Officers Association, formed in 1935 by six officers who held a Black-only ball to raise money for a retirement and burial fund. These were the identical functions that had led earlier to the formation of Police Benevolent Associations, the vast majority of which prohibited or severely limited the participation of Black police officers. Because few police departments at the time provided suitable disability or death benefits for any officers regardless of race, but particularly for Black officers, African American officers from other cities in Texas joined their Houston colleagues. In 1938 the group lobbied unsuccessfully for appointment of Blacks to the Dallas Police Department. Despite this setback, the Texas Negro Peace Officers Association inspired similar groups, including the Miami Colored Police Benevolent Association, which was formed in 1946, only 2 years after Black officers joined the department and learned they would not be accepted into the Police Benevolent Association. Later, in 1953, North Carolina officers formed the Negro Law Enforcement Association.

Despite having achieved some measure of legal equality, beginning in the 1940s and 1950s, a new generation of Black police officers, many of whom had fought in World War II and had been disappointed in racial progress in the United States, formed associations that took on advocacy roles for better assignment and promotional opportunities for Black officers. By the 1970s and 1980s, when they supported affirmative action policies to increase the numbers of Black officers and the creation of civilian review boards to review incidents of police brutality, these groups came into conflict with the unions representing police officers, which have almost universally opposed these measures.

Organizations for more than solely social purposes in northern police departments began in the NYCPD; as the nation's largest police department, it had a larger number of Blacks than did police departments in other cities. The New York Guardians Association developed in the early 1940s, when there were approximately 150 Black officers in the NYCPD out of a total of 1,900. Black police officers were usually assigned to precincts in Black neighborhoods, with only a few scattered elsewhere. The group differed from earlier social groups, because a major aim was to eliminate so-called Black posts and to assist Black officers in gaining full participation in department activities. A major area of dispute was that Black officers were limited to foot posts while White officers were assigned to patrol in marked cars. The Guardians received its charter in 1949, only after New York Congressman Adam Clayton Powell helped pressure the city into issuing it.

Similar events occurred in Philadelphia, where there had existed, prior to 1940, a social club made up of Blacks who worked for the police, fire, and electric departments. One of the group's members, James N. Reaves, recalled that the city administrators opposed the group for fear it might become an action group, which turned out to be correct. As in New York, one of the first areas of discrimination addressed by the Guardians Civic League of Philadelphia (chartered in 1956) was the prohibition against Black officers using patrol cars. Relying on local Black politicians, the group succeeded in getting six Black officers assigned to patrol cars. Although the breakthrough did not

benefit others beyond the original six, it was the first political action by the group and set the tone for later advocacy.

Another similarity between the two groups, and others like them, was the problem they experienced in organizing. Because many Black officers felt their positions in their departments were tenuous despite civil service protections, many feared reprisals for joining groups the departments viewed as radical. Generally, early members in both cities literally stood in front of precincts to identify Black officers after the departments refused to provide employee information. Despite these modest beginnings, leaders of the New York and Philadelphia Guardians achieved high ranks; in New York, Robert L. Mangum, a founder and the first president of the Guardians, who had been a corrections officer before becoming a police officer in December 1942, retired in early 1954 as a fourth deputy commissioner. In Philadelphia, Reaves in 1954 became the city's first Black precinct captain and was later named chief of the city's housing police department, which he helped in 1971 move from guards to police officers and to form their own Guardians Association.

In Cleveland, African American officers also met with hostility when they organized the Shield Club in 1946 to defend a Black officer who, after being shot by private guards, refused to surrender his weapon to White senior officers while hospitalized in a White area of Cleveland for fear of reprisals. Like the Guardians associations, the Shield Club ultimately undertook community activism and by the 1960s opposed a number of positions taken by the Cleveland chapter of the Fraternal Order of Police, the police officers union.

Black police officers associations were active in the 1950s in gaining promotional opportunities in cities where officers were unable to take civil service examinations for higher ranks. By the 1960s, at a time of rising expectations in part influenced by the national civil rights movement, African American police officers increased their organizational efforts. Detroit police formed the Guardians of Michigan in 1963, followed in 1967 by the Afro-American Policemen's League of Chicago. In 1968, with civil unrest and anti–Vietnam War protests visible in many cities, Black police also increased their activism. Groups formed that year included San Francisco's Officers for Justice and St. Louis' (Missouri) Ethical Police Society. In Los Angeles, where Black officers had been appointed in small numbers since 1886, in 1968 they formed the Oscar Joel Bryant Association, named to honor the first Black member of the department to have been killed in the line of duty on May 13, 1968. By 1969, Atlanta police officers had created the Afro-American Patrolmen's League, and in Hartford (Connecticut) Black officers resorted to calling in sick to protest their inability to gain assignments anywhere but in the city's high-crime, ghetto areas.

Activism in a number of cities, including Miami, Atlanta, Detroit, Houston, and Chicago, centered on eliminating Black precincts and "Black posts" in nominally integrated precincts and on introducing race-neutral assignments of patrol car partners. By the 1970s, many of these cities had higher proportions of Black officers than ever before, including 35% in Detroit, 42% in Washington, D.C., and about 20% in San Francisco, Chicago, Philadelphia, Memphis, and Baltimore. In a number of cities, including New York, the Guardians played an active role in litigation against their department in areas such as discriminatory hiring and promotion policies and were often joined by associations of Hispanic officers and sometimes by policewomen, whose opportunities for advancement were also severely limited. Each of the groups, to a different extent and following different tactics based on local political considerations, lobbied for policies in recruitment, promotion, internal investigations and communications, and training that would enhance opportunities for Black officers.

The campaigns to increase the percentages of African American officers were opposed by police unions, who fought affirmative action plans, preferential hiring for city residents or cadet-style programs aimed at recruiting young minority-group members into police departments. The Guardians associations also became involved in community-wide issues, often supporting demands from within the minority community for civilian review of the police, placing them in adversarial roles with Police Benevolent Associations and other unions representing police officers.

The number of Black police officers associations was large enough by the 1970s for a national meeting in St. Louis (Missouri), which resulted in the formation of the National Black Officer

Association, which continues to hold annual conferences attended by hundreds of officers from around the nation. In many cities, Guardians also began to affiliate locally. For instance, because of the large number of law enforcement agencies in the New York City metropolitan area, a Grand Council of Guardians was incorporated in 1974 as an umbrella organization. By 2007 the Grand Council included a dozen police, corrections, sheriffs, and probation and parole Guardians associations and maintained close links with other African American civil service groups and with groups of Black firefighters.

From purely social support groups, Guardians associations developed into major forces contributing to the advancement of Blacks in American law enforcement. Although more attention has been paid to the roles of the federal government and courts in advancing equal opportunities in criminal justice agencies, associations of Black police officers, often at the risk of alienating White colleagues and city administrators, have been major forces in improving the work environment for minority officers and for supporting policies to enhance relationships with minority communities.

Dorothy Moses Schulz

See also National Association of Blacks in Criminal Justice; National Organization of Black Law Enforcement Executives

Further Readings

Abel, R. L. (2006). *The Black Shields*. Bloomington, IN: AuthorHouse.

Bolten, K., & Feagin, J. (2004). *Black in blue: African American police officers and racism*. New York: Routledge.

Broome, H. F., Jr. (1977). *LAPD's Black history: 1886–1976*. Norwalk, CA: Stockton Trade Press.

Dulaney, W. M. (1996). *Black police in America*. Bloomington: Indiana University Press.

Leinen, S. (1985). *Black police, White society*. New York: New York University Press.

Nicholas, A. (1969). *Black in blue*. New York: Meredith.

Reaves, J. N. (1991). *Black cops*. Philadelphia: Quantum Leap.

Harlem Race Riot of 1935

The Harlem Race Riot of 1935 was the culmination of racial tension and economic frustration that built in Harlem during the Great Depression. Although the entire nation was experiencing economic difficulties, Harlem was hit especially hard. While dealing with mounting obstacles such as inadequate health care, poor education, and mounting poverty, Blacks also had to face discrimination that made it harder for them to receive any of the limited social services that were available at the time. If there was assistance in the form of health care, food, or jobs, it was offered to the White community first.

Riots in other economically distressed urban centers with significant Black populations, such as Detroit, were viewed as a warning sign that similar disruptions could occur in New York City. With Harlem being one of the worst hit communities in America during the Great Depression and with racial tensions mounting, it took only one spark of misunderstanding to set off the tinderbox that became the Harlem Race Riot of 1935. It would end after the death of 3 people and the injuring of 125 more. This entry describes the social context in which the riot occurred, the incident that triggered it, the events during the March 1935 riot, and the work of the Mayor's Commission formed to investigate the riot.

Jim Crow and Harlem

When racial tensions are compounded by other issues, from acts of violence to economic deprivation, the conditions for riot often arise. During the first part of the 20th century, racial discrimination against African Americans was codified in law. The Supreme Court's upholding of the "separate but equal" doctrine in its 1896 ruling in *Plessy v. Ferguson* and Jim Crow laws at the end of the 19th century had legitimized discrimination against African Americans in the United States, and in the 20th century, African Americans continued to be banned from restaurants, movie theaters, schools, parks, and hospitals and required to use separate entrances, drinking fountains, and schools.

Harlem and the Great Depression

The economic devastation of the Great Depression was fully evident by 1935. This was particularly true in major urban centers across the country like Detroit and New York City. People across the nation were struggling to find jobs, and unemployment levels were especially high in Harlem, the urban center of African American life in New York City. Many Blacks lived in abject poverty, and many suffered from higher rates of illness than Whites. The health care and educational facilities were inadequate, poorly equipped, and unable to serve the mounting needs of its residents. The scarcity of employment opportunities for Blacks, coupled with discrimination and police brutality, helped fuel the insurgence of 1935.

Economic conditions in Harlem served to exacerbate the already increased level of racial tension between Blacks and Whites. In an era when Blacks

were denied equal opportunities or the means to acquire ownership, Whites owned the businesses in primarily Black Harlem, which was characteristic of American society. Therefore, the elevated unemployment levels were blamed on White store owners who refused to hire Blacks, despite the fact that their clientele was primarily African American. Adding to racial tensions at the time was the fact that Blacks were routinely being discriminated against in housing and other aspects of existence. African American and White organizations that supported them organized pickets and boycotts of White businesses to protest racial discrimination in hiring. However, in 1935 a handful of shopkeepers filed an injunction against picketers, temporarily undermining the boycott movement.

These events angered Blacks, but what intensified tensions was the fact that police were hired to enforce the injunction, something many did with an increased measure of brutality. Allegations of police brutality were rampant in Harlem and further reinforced the belief that the police were in Harlem to protect Whites and White property and not Black residents. The disenfranchisement of African Americans through legal segregation, overt discrimination, combined with police callousness and the perceptions of it, augmented racial tensions and helped fuel the misunderstanding that led to tension that in turn led to rioting. The increased level of tension erupted in March 1935, when a riot in Harlem resulted from simmering racial tension and an unfortunate set of misunderstandings and circumstances.

The 1935 Riot

There are varied accounts of the exact flashpoint that culminated in the Harlem Race Riot of March 1935. Some accounts of the riot maintain that Lino Rivera, a teenage Puerto Rican, was caught shoplifting in the S. H. Kress Department Store. One account, however, maintains that the shoplifter was actually a 10-year-old Black youth. Whether the boy was Black or Latino, a series of unfortunate misunderstandings followed the detention of the suspect. Rumors quickly spread that the boy was being held and beaten by the storeowner. The police were called in, and allegations of police brutality and the boy's beating quickly spread. In actuality, the boy was detained (in some accounts after a brief scuffle with a clerk) and ultimately released and sent home by the store personnel and police officials. However, this information was not available to the public, and rumors of the boy's beating and death spread through Harlem. At one point, a hearse scheduled to pick up a body at a funeral parlor next to the store was mistakenly thought by Blacks to be there to pick up the shoplifter, whom they assumed had been beaten to death. In fact, there had been no place to park the hearse, so the driver pulled in front of the department store with its ample spaces.

As rumors of the boy's beating and death spread through Harlem, matters were made worse by the fact that the department store, where the incident allegedly occurred, was notorious for discriminating against Blacks in employment. This did little to quash the rumors that were uniting Harlem Blacks in a call for violent action. Thinking that a young African American had been beaten to death at a department store known for its discriminatory practices against Blacks and by a police force suspected of outright brutality against Blacks, African American leaders, street orators, and groups such as the Young Communist League inflamed the residents of Harlem with angry rhetoric and written propaganda against Whites and police brutality.

The S. H. Kress Department Store incident served as the match to the tinderbox of racial tension that spread throughout Harlem. Soon Harlem was ablaze as Black residents took to the streets rioting. Most of the violence and destruction of property were aimed at White businesses. Windows of storefronts were smashed, property was stolen or destroyed, and fires were set. An angry mob of Blacks began to circle around the Kress store. By late afternoon, the store was forced to close its doors, and police were called in. Nevertheless, the crowd continued to smash windows and loot the department store. At one point a police car pulled up. When the officers exited the car, one officer pulled his gun and fired to disperse the crowd. Another aimed his gun at one of the African American looters and fired. The man was hit and died a few days later in a Harlem hospital.

The shooting only inflamed rioters. African American advocacy groups such as the radical defense organization the Young Liberators disseminated pamphlets about the incident, still

maintaining the young shoplifter had been killed and that police and store officials were continuing to lie to favor Whites. The Harlem Race Riot signaled a change in the nature of violence between Whites and Blacks in 1930s America. In the past, racial disturbances had been confined to skirmishes between or among individuals or groups. With the increasing racial tension and economic deprivation of the 1930s, urban explosions began to be directed toward whole communities.

The Harlem riots were directed at the White community which, despite its relatively low numbers in Harlem, owned most of Harlem's stores and other institutions and was the main source of employment. This perception made many Blacks feel as if the Whites had direct control over Harlem law enforcement. In addition to the rumor about the boy being beaten and killed, other rumors also served as fuel for the riot. As outraged crowds continued to amass in front of White-owned targets, rumors spread that the police had also broken the arm of a Black woman who had tried to render aid to the boy accused of shoplifting. Such rumors were highly plausible and readily believed because of perceptions among the African American community of police brutality. Years of economic hardship and discrimination, coupled with perceptions of such abuse, undermined rational thought and removed restraint of Harlem residents.

The riot continued to rage as Harlem burned for the entire night and following day. Many more buildings were destroyed as Blacks moved from target to target, taking out their frustration and anger on White-owned property. In the violence that ensued, 3 African Americans were killed, and more than 60 individuals were seriously injured and treated at local hospitals. More than 100 people were arrested on a variety of charges, from inciting violence to looting and property destruction. Estimates of the total amount of damage wrought during the Harlem Race Riot approached $2 million, an exorbitant sum of money in the Depression era.

The Aftermath

Malcolm X maintained, in Chapter 19 of *The Harlem Riot,* that "Harlem has never been the same since the 1935 riot." Other intellectuals of the riot era also believed that the Harlem Race Riot of 1935 had provided important lessons on race relations not only for officials but also for society as a whole. In *Survey Geographic,* Alain Locke argued that the Harlem riot of 1935 demonstrated that "the Negro is not merely the man who shouldn't be forgotten; he is the man who cannot safely be ignored."

Despite the significant violent behavior and financial devastation wrought by the 1935 Harlem Race Riot, some positive changes occurred in the community. Mayor Fiorello La Guardia was determined to take action in the aftermath of the riots. Believing racial tensions were at the root of the riot, he created a biracial Mayor's Commission 8 months later that was charged with investigating the riot and the conditions in Harlem that preceded it. The 14-member biracial commission included scholars and expert sociologists like E. Franklin Frazier and Alain Locke. The outcome of the commission's investigation was provided on March 31, 1936, in a report titled "The Negro in Harlem: A Report on Social and Economic Conditions Responsible for the Outbreak of March 19, 1935." The report offered many recommendations for improving race relations and increasing social and economic opportunities for Blacks. Among the recommendations were significant antidiscrimination efforts in housing, employment, and education opportunities. Fair hiring in municipal jobs and antidiscrimination efforts among law enforcement were also recommended in the report by Frazier and the Mayor's Commission.

Social and infrastructure improvements in Harlem in the aftermath of the riots were also undertaken. Harlem Hospital was enlarged and updated with a number of improvements. Mayor La Guardia also ordered the development of more public housing for Blacks. Racial sensitivity training for police officers was also implemented among New York law enforcement. Efforts to undermine racism and discrimination in city agencies were also initiated. Nevertheless, violence would erupt in riot once more in Harlem in 1943.

Conclusion

Blacks no longer live in an era where Jim Crow discrimination is codified in law, and they have

made major advances in social justice since the 1965 Civil Rights Act. Nevertheless, some of the issues that laid the foundation for the Harlem Race Riot of 1935 still plague contemporary American society; these include embittered police–community relations, economic disenfranchisement, perceived discrimination, and elevated unemployment. These conditions led to other civil disturbances in the 1960s in cities across the United States and in 1992 following the acquittal of officers involved in the Rodney King beating in Los Angeles.

Antonio Ford

See also **Frazier, E. Franklin; Los Angeles Race Riots of 1992; Race Relations; Race Riots; Racial Conflict**

Further Readings

Greenberg, C. (1992, August). The politics of disorder: Reexamining Harlem's riots of 1935 and 1943. *Journal of Urban History*, *18*, 395–441.

Locke, A. (1936, August). Harlem: Dark weather-vane. *Survey Graphic*, *25*(8), 457. Retrieved from http://newdeal.feri.org/survey/36457.htm

Harrison Narcotics Tax Act of 1914

The Harrison Narcotics Act of 1914, sponsored by New York Congressman Francis B. Harrison and written in large part by Dr. Hamilton Wright, is regarded by historians and criminologists as the basis for drug policy in the United States. This legislation, which went into effect on March 15, 1915, was intended to control listed narcotic substances (e.g., opiates, cocaine derivatives) through taxation and commercial regulation. On its face, the Harrison Act was designed to eliminate the nonmedical sale and use of opiates and cocaine, which were widespread, over-the-counter, and unregulated. At the same time, the Harrison Act facilitated the construction of a discursive intersection of mainstream American feelings on race with the nature and mythology of mind-altering substances, with "drug laws" becoming a euphemism for the social control of non-Whites.

The law required supervised distribution to physicians, pharmacists, wholesalers, and manufacturers who, licensed by federal government, remitted an excise tax and maintained adequate records of all transactions involving the listed substances. In effect, the Harrison Act was a revenue measure whose wording also allowed Department of Treasury authorities, who were directly invested with its implementation, to determine the legitimacy of physicians' discretion in dispensing narcotics and empowered the federal government to prohibit the maintenance of persons addicted to opiates by the medical practitioners. The Department of the Treasury's interpretation of the law created literally overnight a class of criminals who on the day before had been merely opiate addicts. Although very similar in wording to the United Kingdom's "Dangerous Drugs Laws" crafted at nearly the same time, the Harrison Act was applied in a manner that criminalized addiction, imperiled physicians, and allowed federal authorities unprecedented discretion in enforcing U.S. law applied to the manufacture, trafficking, and sale of narcotics that lawmakers in the United Kingdom never sought.

In a series of high-profile U.S. Supreme Court rulings, including *Jin Fuey Moy v. United States* (1915), *Webb v. United States* (1919), and *Behrman v. United States* (1922), Department of the Treasury officials succeeded in handcuffing physicians, precluded the establishment of drug rehabilitation clinics, attenuated the operation of existing clinics, and in doing so moved the nation away from ambulatory addiction treatment to total prohibition. Addiction researcher and activist Alfred Lindesmith (1965, 1968), who studied opiate addiction in the 1930s, predicted that the use of the Harrison Act in such a manner would create an unenforceable and largely symbolic law, fill the prisons with addicted persons who should otherwise be in hospitals, and channel the massive proceeds from the illicit drug trade into the pockets of organized crime and corrupt public officials. It did exactly those things.

Even more damaging to the nation, the Harrison Act created a basis for prohibition organizations such as the Woman's Christian Temperance Union to influence likeminded federal officials, such as the Federal Bureau of Narcotics (FBN) Chief Harry J. Anslinger, who together created a decades-long

drug panic that lasted into the 1960s. For his efforts between 1930 and his forced retirement in 1962, Anslinger can be credited with using the Harrison prohibitions as a foundation for criminalizing marijuana in 1937, linking drug use to communism during the McCarthy era, and advising the U.S. Congress to ratchet up narcotics penalties twice, in 1951 and 1956, thus setting the stage for the War on Drugs in its present form. Whereas Anslinger's campaign resulted in a decrease of federal narcotics prosecutions by 66% between 1930 and 1960 (numbers that Anslinger cited in his budget requests), state prosecutions over the same period increased over 500%.

The opiate addiction problem had always been one associated and imbued with American sentiments on race, a fact that was apparent in the original legislation, the Narcotic Drugs Import and Export Act of 1909. It specifically mentioned "smoking opium," thereby identifying the problem as one linked to Asian immigration to the U.S. West Coast. It should come as no surprise that through the 1930s, 1940s, and 1950s, the average age of addicts arrested decreased significantly and the demographic of addiction became concentrated among the urban poor. Between 1930 and 1957, Caucasians went from 77% to approximately 12% of the recorded addicts, while African Americans, who made up 17% of the addicted in 1930, became 87% of the same group by 1957. It was clear that enforcement strategies and urbanization had shifted the burdens of addiction heavily onto the shoulders of non-White populations in the United States.

In 1975, John Helmer described the sea change in addiction as a result of segregation, high birthrates among African Americans in the 1930s relative to Whites, and the FBN's portrayal of drug use as a function of diminished African American character. Through a text of thinly veiled racism, Anslinger capitalized on the "Black myth" of drug use and addiction widely held by Whites to justify continued funding of FBN programs. Anslinger, in his own right, was immersed in a highly contentious federal environment of fervent anticommunism, competing for funding with charismatic Federal Bureau of Investigation Director J. Edgar Hoover.

The Harrison Act also provided an anchor for Anslinger and the FBN to press the states for adoption of a Uniform Narcotic Drug Act, which was formulated and passed in 35 states by 1937. Mentions of marijuana were prominent in the drafts sent to each state, and the public information surrounding passage was again tied to racial bigotry and Mexican immigration in the western half of the country. While very few Americans in the 1930s knew anything about marijuana, the public campaign undertaken by Anslinger dwelt heavily on accounts of Mexican Americans, who were presumably illegal immigrants, gone mad and committing atrocious crimes after smoking a single joint. Similar to the Harrison Act, the Uniform Narcotic Drug laws passed in all 35 state legislatures without expert scientific testimony or serious contributions by medical authorities as to the impact of the policy on the general public.

David Keys

See also **Drug Sentencing; Drug Treatment; Drug Use**

Further Readings

Lindesmith, A. R. (1965). *The addict and the law*. Bloomington: Indiana University Press.
Lindesmith, A. R. (1968). *Addiction and opiates*. Chicago: de Gruyter.
Helmer, J. (1975). *Drugs and minority oppression*. New York: Seabury Press.

Harvard, Beverly (1950–)

Beverly Harvard joined the Atlanta Police Department (APD) in 1973, a year before A. Reginald Eaves became the first African American public safety commissioner, when the department was a tense place for minorities and women. After a rapid rise through the ranks that slowed after she became a deputy commissioner, Harvard, who never expected to be a police officer, in November 1994 was confirmed by the city council as the country's first African American woman chief of a major city police department.

Harvard, born Beverly Joyce Bailey in 1950 in Macon, Georgia, was the youngest of six, four

boys and two girls; she described her sisters as her best friends. Sheltered by her middle-class family, she attended local schools and in 1972 earned a bachelor's degree in sociology from Morris Brown College, a historically Black institution. In 1980, while in policing, she earned a master's degree in urban government and administration from Georgia State University.

Harvard joined the APD to win a $100 bet with her husband Jim, who had agreed with friends that a woman police officer would have to be big, strong, and boisterous, the opposite of his small, studious, and quiet wife. Harvard, who had expected Jim to support her view that any woman could become a police officer, had limited knowledge about the police and was unsure of the hiring process, but she set out to prove him wrong. When she joined the department, her plans were to remain only to learn police argot, constitutional law, and self-defense, but she was surprised to be able to help people, even on her first foot patrol assignment from 6 p.m. to 2 a.m. in one of Atlanta's high-crime areas. After she became chief, she revealed that her husband had followed her and her partner around in his car because he had trouble accepting she was able to do the job.

After only a few years on patrol, Harvard began a rapid rise through the ranks; in 1978 she oversaw the police, fire, and corrections departments' implementation of an affirmative action plan. Named director of public affairs in 1980, she held the position during the resolution of Atlanta's child murder cases in 1981 and 1982, when Lee Patrick Brown was public safety director. Within barely a decade of having joined the APD and only 31 years old, she became the first African American female deputy chief with assignments in career development, criminal investigations, and administrative services. In 1983 she became the APD's first female graduate of the Federal Bureau of Investigation's National Academy, an executive training course that has served for many as a stepping-stone to becoming a chief. After a maternity leave in 1988 to have a daughter, Christa, she was considered for chief in 1990, when she was voted city government's woman of the year, but instead the position went to Eldrin Bell, who she replaced on an interim basis for 6 months before being named chief in 1994.

Serving Atlanta During Noteworthy Events

At that time, Atlanta had about 1,700 police officers and was ranked by the Federal Bureau of Investigation as sixth in violent crimes per capita. During Harvard's first two years as chief, Atlanta hosted the Olympic Games, the Paralympics, and the Freedom Fest (formerly Freaknik). Freaknik placed Harvard in the spotlight in 1995, when a rowdier than usual crowd resulted in about 200 arrests. Reflecting her self-described strait-laced background, she criticized women for allowing themselves to be fondled by groups of men, noting that it was difficult to criticize men when women behaved as some of the attendees had. She was again in the spotlight when Atlanta hosted the 1996 Centennial Olympic Games and she served as co-chair of the Olympic Security Support Group, which coordinated federal, state and local, and private agencies' efforts to secure Olympic venues.

Harvard, who made corruption control and community policing her signature issues, lowered the crime rate but faced internal criticism from those who felt she lacked patrol experience and had been primarily an administrator, an accusation leveled against all of the first-generation women chiefs, and external criticism from those who felt she was overshadowed by Mayor Bill Campbell. Although Harvard tended to downplay race and sex throughout her career, her critics often seized on issues that were stereotypically female, such as a weak management style, an aloof personality, and a lack of street-policing experience. Despite this criticism, she served for 8 years, longer than most large-city chiefs of police. In 2002 she declined to apply for reappointment and retired after 29 years in the department. In August 2002 she was named the federal assistant director of security at Atlanta's Hartsfield International Airport, working with director Willie Williams, previously Philadelphia's police commissioner and chief of the Los Angeles Police Department.

As the first African American woman to lead a major city police department, Harvard's position was history-making, but her career was typical of big-city chiefs. Although she initially rose through the ranks rapidly, when named chief she had been in APD for more than 20 years and had spent her entire career there. Harvard was active in state

policing groups and in the National Organization of Black Law Enforcement Executives and served on the Commission on Accreditation for Law Enforcement Agencies. In 1985 Morris Brown College named her alumna of the year; she received the Atlanta Chapter of the Top Ladies of Distinction award, the AAUW/National Conference for College Women Student Leaders Women of Distinction award, and the National Institute of Justice Pickens Fellowship in 1993.

A member of groups working to reduce violence and aid battered women and children, Harvard has rarely been closely associated in the media with national women's or African American policing groups. Yet, because of her unique status as the first African American woman to lead a major police department, it was difficult for her to transcend being "the woman chief" or the "African American woman chief," a point made by an Atlanta councilman who said when she retired that had she been a man, she would have been lauded and carried around city hall on people's shoulders. Rather than receiving these plaudits, she retired quietly, making it easy for Shirley Franklin, Atlanta's first African American female mayor with whom Harvard had worked during the Olympics Games, to replace her with an African American male from outside the department.

Dorothy Moses Schulz

See also **Brown, Lee P.; National Organization of Black Law Enforcement Executives**

Further Readings

Eddings, J. (1994, December 26). Atlanta's new top cop makes her mark. *U.S. News & World Report,* pp. 82–83.

First Black woman to run a big city police force cracks down on corruption. (1995, October 2). *Jet*, pp. 8–13.

Schulz, D. M. (2004). *Breaking the brass ceiling: Women police chiefs & their paths to the top*. Westport, CT: Praeger.

Smothers, R. (1994, November 20). Atlanta's police chief won more than a bet. *The New York Times*, p. C1.

Suggs, E. (2002, July 16). Former Atlanta top cop lauded; crime reduced in controversial era. *Atlanta Journal-Constitution*, p. 4D.

Whetstone, M. L. (1994, March). Atlanta's top cop. *Ebony*, pp. 92–95.

Hate Crimes

Hate crimes refers to crimes motivated by an offender's dislike of a victim's belonging to a "socially undesirable" group. Many scholars, politicians, and law enforcement officials have argued, however, that using the term *hate crimes* is inaccurate as such crimes are often motivated more by the offender's biases than by hatred. Therefore, hate crimes are also frequently referred to as *bias crimes*, *civil rights crimes*, or *ethnic intimidation*. Although the definition of hate crime offending can include crimes against a variety of groups, race and religion are consistently embraced in the definition. Other group categories sometimes included are sexual orientation, physical or mental disability, gender, political affiliation, age, and national origin. Consistent, however, is the assumption of the existence of a predicate offense, or an underlying crime. Predicate offenses to hate crimes can include a range of crimes, from property destruction to homicide.

Although hate crimes have only come to the American public's attention in recent years, hate and intolerance are not strangers to the United States. From the beginning days of America's nationhood, hate crimes have existed in numerous forms. Slavery is often considered by many scholars to be one of the largest instances of hate crimes in U.S. history. Additionally, instances of racially motivated lynchings and cross burnings have occurred, but they were not labeled as hate crimes because the definition as we now know it now did not exist then. However, since the late 1970s and early 1980s, a flurry of attention has been given by the media, police, and legislators to crimes motivated by the hatred or bias of individuals based on their identification with a "socially undesirable" group. Much of this attention stems from several celebrated cases of hate crimes that occurred during the 1990s. One particularly vicious example occurred on June 7, 1998, in Jasper, Texas when three White supremacists chained James Byrd, an African American man, to the back of their pick-up truck and fatally dragged him by his ankles. James Byrd's death by White supremacists further exposed the gravity of such hatred and intolerance and prompted many to ask questions as to why such brutal acts of hatred are committed against minorities in America.

Although there are numerous issues worthy of discussion regarding hate crimes, this entry aims to provide an introductory overview of the topic. Included are relevant discussions of hate crime victims, offenders, and the debate surrounding hate crimes legislation.

Hate Crime Victims

Hate crimes that are as extreme as murder are rare. However, the Federal Bureau of Investigation recorded nearly 8,000 various hate crime incidents in the United States in 2006. Because many of these crimes go unreported for various reasons, such as a law enforcement officer's misclassification of a hate crime or a victim's fear of self-reporting, the actual figure of hate crimes in America is most likely much higher. As a result, it is difficult to determine the exact number and race/ethnicity of hate crime victims. However, three groups that are frequently victimized are African Americans; Jews; and gay men, lesbians, bisexuals, and the transgendered.

Race

African Americans are the most common victims of hate crimes in the United States. This should not be surprising given African Americans have been subject to intolerance, violence, racism, and inequality for centuries. American slavery is perhaps the most massive hate crime in U.S. history, and many consider it to have set the stage for more recent hate crimes. For decades after slavery, African Americans endured lynchings and other forms of violence nationwide, though much of the violence occurred in the South. Historically, these crimes were not necessarily recorded or viewed as hate crimes. Prejudicial views of African Americans are still present today and are made painfully visible every time a hate crime against an African American occurs. Incidents occur more frequently than one would presume, though they are not always as brutal as the James Byrd murder. For example, in the South hundreds of Black churches have been bombed or burned in recent years. Numerous cross burnings have occurred on the front lawns of African Americans as well. Researchers suggest that though considered free speech, these cross burnings, usually carried out by Whites, often precede more direct and violent attacks. These incidents are equally troubling given that they are motivated by the same hatred and intolerance that took James Byrd's life.

African Americans are not the only race targeted for hate crime victimization, however. Although attacks on Asians and Asian Americans are far less common, they are a reality. Such is the case of the murder of Vincent Chin, a Chinese American victimized by angry autoworkers in Detroit, Michigan, during the rise of Japanese auto sales in the 1980s.

Religion

Anti-Semitism is perhaps among the oldest and deepest forms of hatred and intolerance in existence. Historically, Jews were persecuted by the Egyptians, Greeks, and Romans and have been confined to ghettoes and prohibited from owning land. The best-known account of anti-Semitism occurred during Nazi Germany when 6 million Jews were killed throughout Europe. On the American front, anti-Semitism often involves the extremist beliefs of people who blame Jews for economic troubles, communism, and disloyalty to the United States. Additionally, many fringe Americans believe that a Jewish conspiracy runs the country and that Jews have led various social movements, such as the feminist and civil rights movements. When these extremist beliefs are used to fuel intolerant acts, anti-Semitic incidents, ranging from swastika graffiti on synagogues to harassment and even more violent assaults, are the result. For instance, in 1994 a Lebanese immigrant shot at a van carrying 15 Hasidic Jewish students in New York. One student died and three were injured.

Since the terrorist attacks on September 11, 2001, far more attention has been paid to hate crime victimization of Americans who are or are presumed to be Muslim, Arab, or of Middle Eastern descent than had previously been the case. For example, researchers reported that in the first half of 2001 there were no instances of anti-Islamic hate crimes in Colorado. However, after September 11 of the same year, 17 anti-Islamic hate crimes were reported in that state.

Sexual Orientation

A social group often targeted by hate criminals is the gay, lesbian, bisexual, and transgender (GLBT) community. The GLBT community is often a minority group that does not receive full legislative protection from hate crime victimization. Consequently, the group's inclusion in hate crime legislation is often the basis for much controversy and debate. Historically, what is now known as homophobia has been acceptable around the world in many societies for centuries. In many circles, antigay bias is still socially acceptable and freely expressed, though many would argue that the bias has steadily decreased in the past several decades. This belief is particularly troublesome because the social acceptability of homophobia is likely one of the foremost causes of antigay hate crimes in the United States.

In addition to being confronted with verbal harassment and intolerance, many in the GLBT community face brutal attacks such as that of Rebecca Wright and Claudia Brenner. In 1988, the lesbian couple was murdered in a state park in Pennsylvania. Perhaps the best-known antigay hate crime was committed in Wyoming in 1998. Matthew Shepard, a gay University of Wyoming student, was brutally beaten and killed. His murder continues to be used as an example of the need for more inclusive hate crime legislation.

As is the case with hate crimes based on race or religion, biases and prejudice are present in antigay hate crimes as well. As many law enforcement officials and scholars have noted, the difference is that hate crimes against the GLBT community tend to be especially brutal and are often considered "overkill." This sends a particularly strong message of hate and intolerance to victims and to the entire GLBT community.

Hate Crime Offenders

When a hate crime occurs, organized hate groups such as the Ku Klux Klan, skinheads, or neo-Nazis are often blamed. However, in general, organized hate groups do not commit the majority of hate crimes. As noted in numerous studies, although hate crime offenders generally commit their crimes in groups, they are not usually affiliated with an organized hate group. These groups of offenders tend to comprise young, White males with no prior criminal record and from backgrounds that are generally not impoverished. Moreover, in many cases the offender may even be a neighbor or live in close proximity to the victim.

Hate crime offenders' motives can vary. However, the underlying factor found in all hate crimes is bigotry. Scholars suggest there are various motivating factors involved with hate crime offending. For instance, in certain hate crimes the offender is in search of a sense of power and excitement; these crimes are considered thrill crimes and are the most common. Other hate crime offenders feel the need to protect their territory or resources; these offenders are called defensive offenders. Others commit hate crimes in a reactive manner, avenging a perceived wrong; these offenders are regarded as retaliatory criminals. Those who victimize based on a desire to "cleanse the world of evil" are known as mission offenders.

With the motivations of hate crime offenders in mind, it is difficult to identify with any level of certainty the underlying reasons why bigoted individuals choose to commit hate crimes. However, many argue that what hate criminals do, intentionally or inadvertently, is to send a strong and hateful message to the group to which the victim belongs.

Hate Crimes Debate

Few would debate the harm caused by hate crimes, as most in the mainstream would denounce all forms of bigotry and hatred. However, the issue of hate crimes becomes open for debate when considering appropriate legislative protections for groups that become victims of hate crimes. Currently, there are federal and state laws that differ significantly in their scope, but all aim to protect various minority social groups from hate crime offending. Arguments both for and against such enhancements are considered legitimate, therefore causing the debate.

The controversy over hate crimes is primarily concentrated on laws that enhance the sentences of predicate offenses that were committed against members of included protected groups. Many believe that hate crimes are more serious than other

types of crimes that are not inspired by hate and bigotry and therefore warrant a more serious punishment. It is argued that these crimes are much worse than other, non–hate-based crimes because of the hateful message that is sent to the community and the fear caused by it. Those that oppose hate crime legislation suggest that it is inappropriate, and at times unconstitutional, to punish an offender's motives or thoughts. Punishing motives and thoughts, it is argued, would violate the First Amendment. Moreover, some fear that hate crime legislation can criminalize others for their speech or thoughts. Yet another issue up for debate is which groups should be protected under hate crime legislation. Currently this varies by state, but groups based on race, ethnicity, and religion are often protected in most states. Sexual orientation and gender are two categories that are frequently omitted by states, though the inclusion of sexual orientation has been the subject of most of the debate.

Whatever a person's persuasion on the issue, every time a news report of a hate crime appears in the media, it becomes painfully clear that this topic warrants attention. From the definition of hate crimes to hate crime legislation, there are a multitude of issues and directions yet to be considered. However, significant progress has been made since hate crimes came to the public's awareness, and the issue is likely to continue demanding attention for years to come.

Ryan B. Martz

See also Anti-Defamation League; Anti-Semitism; Hate Crime Statistics Act; Ku Klux Klan; Ku Klux Klan Act; Lynching; Racism; Skinheads; Southern Poverty Law Center; White Supremacists

Further Readings

Gerstenfeld, P. B. (2004). *Hate crimes: Causes, controls, and controversies*. Thousand Oaks, CA: Sage.

Green, D. P., & Rich, A. R. (1998). White Supremacist activity and cross burnings in North Carolina. *Journal of Quantitative Criminology*, *14*(3), 263–282.

Levin, J. (2007). *Violence of hate: Confronting racism, anti-Semitism, and other forms of bigotry*. Boston: Pearson Education.

Levin, J., & McDevitt, J. (2002). *Hate crimes revisited: America's war on those who are different*. Boulder, CO: Westview Press.

McDevitt, J., Levin, J., & Bennett, S. (2002). Hate crime offenders: An expanded typology. *Journal of Social Issues*, *58*(2), 303–317.

Perry, B. (2001). *In the name of hate: Understanding hate crimes*. New York: Routledge.

U.S. Department of Justice, Federal Bureau of Investigation. (2007, November). Hate crimes statistics, 2006. *Uniform Crime Report*. Retrieved January 17, 2008, from http://www.fbi.gov/ucr/hc2006/downloadablepdfs/incidentsoffenses.pdf

Hate Crime Statistics Act

The Hate Crime Statistics Act (HCSA) was the first piece of federal legislation that directly acknowledged hate crime. Enacted by Congress and signed into law by then President George H. W. Bush on April 23, 1990, the HCSA (Public Law 101-275) mandated the U.S. Attorney General to collect data and produce an annual summary of "crimes that manifest evidence of prejudice" as well as establish guidelines and procedures for the collection of such data. The act required the reporting of eight crimes as hate crimes when they demonstrated bias based on race, religion, ethnicity/nationality, or sexual orientation. The crimes were murder, forcible rape, aggravated and simple assault, intimidation, arson, and the destruction, damage, or vandalism of property. The Department of Justice was given the authority to expand this list and was assured appropriations for the first decade of the effort.

Implementation of the HCSA was delegated to the Federal Bureau of Investigation's Uniform Crime Reporting (UCR) program. In 1991, the program issued the *Training Guide for Hate Crime Data Collection* and requested that law enforcement agencies report hate crime, defined as crimes motivated at least in part by the prejudices documented in the HCSA. Since 1993, information about hate crimes against person, property, and society have been collected and published, with an emphasis on those crimes identified in the initial legislation as well as robbery, burglary, larceny-theft, and motor vehicle theft. In 1994, the Violent Crime Control and Law Enforcement Act amended the HSCA to include crimes manifesting prejudice based on physical or mental disability. Pending

legislation recommends that the HCSA be expanded further to include gender and homelessness. The rest of this entry discusses the act's legislative history, goals and concerns, and results.

Legislative History

The passing of hate crime legislation has been accredited to social movements, strong state initiatives, and dedicated advocacy groups. Social movements of the 1950s, 1960s, and 1970s spurred an antihate movement of the 1980s by highlighting the plight of minorities, violence, and victims' rights and their interconnectedness. As early as the 1980s, hate crime reporting as well as substantive and sentencing statutes were being enacted by states across the country, supported by a growing body of data from organizations created to address the issues of hate such as the Anti-Defamation League. In the mid-1980s those organizations testified before Congress about the increasing presence of hate crime and its consequences. As a result of such information and pressure, legislation designed to record hate crimes based on race, religion, and ethnicity was overwhelmingly passed by the House of Representatives in 1986.

However, delay in Senate voting and the subsequent addition of gay and lesbian groups to the coalition supporting such legislation led to a new version of the bill in 1987 that included sexual orientation. The bill passed the House in 1988 over strong conservative objections and again in 1989 with less controversy, owing to a surge of strong law enforcement support for such legislation. However, Senate passage of the bill was delayed by an amendment put forth by conservatives outlining the threat posed by gays and lesbians. In response, an alternative amendment highlighting the importance of the traditional family and its security and noting that the HCSA was not to be "construed . . . to promote or encourage homosexuality" was offered, which allowed for overwhelming Senate passage of the bill in 1990.

Goals and Concerns

Although the HCSA created no new rights or causes of action and, as such, had no direct effect on criminal law, its passage was viewed as a critical first step toward addressing hate crime. In particular, it was believed that such legislation would raise awareness and send a strong message of national concern while at the same time providing communities, politicians, and law enforcement with the information necessary to develop an effective response to the problem. However, the ability of the HCSA to collect accurate data has been questioned. Concern stems from several issues, including the subjective quality of identifying a prejudicial motivation; obstacles to citizen reporting resulting from self-identification of the nature of the crime and/or poor police-community relations; variation in federal, state, and local definitions and laws; and influences on police reporting such as political and internal pressures to demonstrate low or decreasing crime rates. To date, analysis of the law's effectiveness is scant.

Results

More than 12,000 law enforcement agencies, representing 90% of the U.S. population, are reporting hate crime data to the Federal Bureau of Investigation. Although no hate crimes are reported in the majority of jurisdictions, the data collected reveal a fairly consistent number of hate crimes and patterns regarding the nature, offender, and victim of such crimes. Since the initial reporting of hate crime statistics in 1993, the annual number of such incidents has been between 7,000 and 9,000 except for a low in 1994 of not quite 6,000 and a high of nearly 10,000 in 2001, likely a result of the September 11 attacks. The data suggest that the majority of reported hate crimes are committed by White men and involve low-level crimes against persons, primarily intimidation. Crimes motivated by racial bias generally account for over half of all reported hate crimes, while bias based on religion or sexual orientation are the next most frequent. However, recent research has revealed that when population size is considered, gays and lesbians are the most prone to hate-based victimization.

Terrylynn Pearlman

See also Hate Crimes

Further Readings

Fernandez, J. M. (1991). Bringing hate crime into focus. *Harvard Civil Rights–Civil Liberties Law Review*, *26*(2), 261–293.

Grattet, R., & Jenness, V. (2001). The birth and maturation of hate crime policy in the United States. *American Behavioral Scientist*, *45*, 668–696.

Jacobs, J. B., & Eisler, B. (1993). The Hate Crime Statistics Act of 1990. *Criminal Law Bulletin*, *29*, 99–123.

Rubenstein, W. B. (2004). The real story of U.S. hate crimes statistics: An empirical analysis. *Tulane Law Review*, *78*, 1213–1246.

U.S. Department of Justice, Federal Bureau of Investigation. (2007). *Hate crime statistics 2006*. Retrieved from http://www.fbi.gov/ucr/hc2006/index.html

Websites

Library of Congress, H.R. 1048: http://thomas.loc.gov/cgi-bin/bdquery/z?d101:HR01048:@@@L&summ2=m

Hate Crime Statistics Act of 1990, Pub. L. 101-275, 28 U.S.C. 534: http://www.qrd.org/qrd/usa/federal/1990/federal.hate.crimes.stats.act-04.23.90

Higginbotham, A. Leon, Jr. (1928–1998)

A. (Aloysius) Leon Higginbotham, Jr., was a lawyer, legal scholar, teacher, author, and federal judge for 29 years. When he retired in 1993 he had served on the U.S. Third Circuit Court of Appeals in Philadelphia for 13 years and had been named Chief Judge in 1992, only one of a handful of African Americans to achieve such a position at that time. A key figure in the civil rights movement and a supporter of affirmative action, Higginbotham was a continual force for equality and individual rights, using the law as his tool for attacking racism in the United States in the 20th century. In the legal process Higginbotham saw both the problem and the solution: the roots of much of the racial tension of the times and the hope for change. He received the Presidential Medal of Freedom in 1995.

As an undergraduate at Purdue University, Higginbotham, because of his color, was denied a place in the heated dormitories by President Edward Charles Elliot, who told him that the law did not require such accommodations. This personal experience showed him the connection between the law and racism, and crystallized his desire to fight racism from within the legal system. He eventually transferred to and graduated from Antioch College and subsequently from Yale Law School.

Writings

For Higginbotham the law was a lens and a tool for approaching the issue of racism so deeply embedded in the fabric of American life. He believed that racism was woven into the American legal system and that the legacy of slavery law was a cause of modern social unrest. Real change would not occur without facing this historical truth head on. He proposed to write a four-volume work to be titled *Race and the American Legal Process*. The overall trajectory of the work would demonstrate how the legal process at first actively upheld racist practices, more passively sustained them, and then eventually became an instrument for some change and for progress toward a "shade of freedom," a phrase he used as the title of the second book in the series.

Higginbotham never completed the project, but in 1978 he published the first volume in the series, titled *In the Matter of Color: Race and the American Legal Process: The Colonial Period*. In it, he chose six colonies as representative (Virginia, Massachusetts, New York, South Carolina, Georgia, and Pennsylvania) and analyzed statutes and cases in them in order to explore the deep vein of racial inequality in the American legal system. In the epilogue to that book, he wrote, "The poisonous legacy of oppression based upon the matter of color can never be adequately purged from our society if we act as if slave laws never existed."

The second volume, *Shades of Freedom: Racial Politics and Presumptions of the American Legal Process*, which appeared nearly 30 years later in 1996, dealt with the first of what Higginbotham called "The Ten Precepts of American Slavery Jurisprudence: Inferiority." In the appendix to the book, he laid out the 10 precepts and defined the first in this manner: "Presume, preserve, protect, and defend the ideal of the superiority of Whites

and the inferiority of Blacks." Leaving the colonial period behind, this volume mostly emphasized the 19th century. In a notable chapter, "Unequal Justice in the State Criminal Justice System," Higginbotham examined criminal cases for examples of racist speech and conduct on the part of the prosecution and sometimes of the judiciary. He discussed such practices as segregated seating for spectators in courtrooms, forms of address used with Black witnesses, and arguments based on racial stereotypes. Although in some of the cases the decisions, when challenged, were overturned on grounds of racism, in many others they were not. The acceptance of such behaviors, Higginbotham argued, goes beyond the immediate injustice and creates further harm by serving as an implicit standard of acceptability in the court system and in society at large.

Later, in a 1997 article on the recently concluded murder trial of O. J. Simpson, Higginbotham wrote about the use of the "race card" in that trial, concluding that defense attorney Johnnie Cochran was acting responsibly in bringing a witness's attitudes on race to the attention of the jury. He argued that race always was an issue in the case, not an issue arbitrarily introduced into the case by the defense. To suggest that race was not an issue results in just the kind of denial of truth that, in Higginbotham's view, obstructs progress toward equality. The "larger societal racial attitudes" are what need to be examined.

Public Service

While Higginbotham made significant scholarly contributions with his books and more than 40 articles, he was also always engaged in events in the world around him. Early in his career he was a partner in the Philadelphia law firm of Norris, Green, Harris & Higginbotham, a rare all-Black law firm, which took on both criminal and civil cases. The firm helped make changes in Pennsylvania bar admission practices, resulting in more African Americans entering. While in private practice, Higginbotham was also a special Deputy State Attorney General from 1956 to 1962 and was president of the Philadelphia Chapter of the National Association for the Advancement of Colored People from 1960 to 1962. In 1962 he was appointed a commissioner on the Federal Trade Commission. Through his work on the Federal Trade Commission he came to know Attorney General Robert Kennedy, who recommended him for a judgeship in the Eastern District of Pennsylvania in 1963; thus at the age of 35, he began his long judicial career. Higginbotham also served on various committees of the Judicial Conference and was involved in its examination of the jury system and the issues surrounding getting a "representative jury." He was made a member of the White House Conference on Civil Rights in 1995.

Higginbotham served as the vice chairperson for the high-profile National Advisory Commission on the Causes and Prevention of Violence (known as the Eisenhower Commission), which was formed in 1968 by President Lyndon Johnson in the wake of the assassination of Senator Robert Kennedy. It issued its final report on December 10, 1969; Richard Nixon had meanwhile become president. Higginbotham represented the liberal end of a politically diverse spectrum. In contrast to the National Advisory Commission on Civil Disorders (known as the Kerner Commission), which preceded it and which focused on the causes of collective violence, the Eisenhower Commission focused on the causes of individual crimes. Both commissions, however, came to the same conclusion: that the plight of the urban poor and the injustices they suffered in the inner cities were the roots of the violence sweeping the country at that time. The Commission on the Causes and Prevention of Violence recommended a large influx of federal funds to provide better job and educational opportunities in the inner cities. The Vietnam War was being fought at the time, and there was general recognition that the funding would not be available any time soon. One notable recommendation from the commission was for the licensing of handguns. At the commission's end, Higginbotham made it clear that he was in favor of more social action and less social study: The nation had been awash in federal commissions for years.

Current Affairs

Higginbotham's influence extended outside the United States. In 1994 he traveled to South Africa at the request of Nelson Mandela to serve as a

mediator during the first elections in which Blacks were permitted to vote.

Although he saw progress during his lifetime toward racial equality, Higginbotham was saddened to see reversals of that progress as the political climate changed in the 1980s and 1990s. In reaction to the appointment of Justice Clarence Thomas to the Supreme Court, Higginbotham addressed an open letter to Thomas. Always a strong supporter of affirmative action, Higginbotham exhorted Thomas to recognize the debt he owed to affirmative action programs and to the civil rights movement. The letter created a stir and he remained an outspoken critic of Thomas. In a *New York Times* article written shortly before he died, he expressed his dismay at the court ruling striking down affirmative action at the University of Texas Law School.

Catherine Stern

See also **O. J. Simpson Case; Race Card, Playing the; Slavery and Violence; Thomas, Clarence**

Further Readings

Higginbotham, A. L., Jr. (1978). *In the matter of color: Race and the American legal process: The colonial period*. New York: Oxford University Press.

Higginbotham, A. L., Jr. (1992). An open letter to Justice Clarence Thomas from a federal judicial colleague. *University of Pennsylvania Law Review*, *140*, 1005–1028.

Higginbotham, A. L., Jr. (1996). *Shades of freedom: Racial politics and presumptions of the American legal process*. New York: Oxford University Press.

Higginbotham, A. L., Jr. (1998, January 18). Breaking Thurgood Marshall's promise. *New York Times Magazine*, pp. 28–29.

Higginbotham, A. L., Jr., François, A. B., & Yueh, L. Y. (1997). The O. J. Simpson trial: Who was improperly "playing the race card"? In T. Morrison & C. B. Lacour (Eds.), *Birth of a nation'hood: Gaze, script, and spectacle in the O. J. Simpson case* (pp. 31–56). New York: Pantheon Books.

Hip Hop, Rap, and Delinquency

Hip hop is an artistic cultural expression that embodies music, language, dance, visual art, and fashion. Although it has its roots in the evolution of rap music during the early 1980s, it emerged as a major pop-cultural theme during the 1990s. Life and the artistic expressions of urban America have largely shaped the aesthetics of this art form. This entry provides a definition of hip hop and then presents a synopsis of the debate surrounding the nature of the influence of this cultural expression on aberrant behavior, especially among urban African American youth. It reviews claims that that there is a connection between hip hop and delinquency/crime, as well as the counterargument against the existence of such a connection.

Hip hop has experienced an enormous amount of acceptance and has had a major impact on popular culture. The popularity of this cultural form is evident in the sales records of the various commodities (e.g., CDs, clothing, and magazines) that have emerged from this art form. The influence of hip hop culture on the dominant culture can also be seen in the infusion of the hip hop vernacular into mainstream conversations, as well as the use of the music to sell products.

Although the term *hip hop* can refer to a variety of cultural forms, it is most commonly associated with music, and with rap music in particular. In spite of high record sales and widespread acceptance in the entertainment arena, this genre of music has come under a great deal of criticism for its use of offensive language, negative depictions of women, and adulation of criminal enterprises. It has been linked to a host of social pathologies involving crime and delinquency. The following section summarizes the perspective of critics who contend that hip hop encourages such deviant behavior.

Dancing to That Illicit Beat: The Link Between Hip Hop and Delinquency/Crime

The debates surrounding hip hop's connection to delinquency and crime hinge on the suggestion that rap, specifically *gangsta* (altered spelling of the word *gangster*) rap, encourages pessimistic, cavalier, and antisocial behavior. Gangsta rap is a subgenre of hip hop music that became popular after the first release of N.W.A.'s Straight Outta Compton CD in 1988. This genre of music has been accused of promoting procriminal and

misogynistic attitudes through images that often glorify and legitimize involvement in criminal activities.

The accusation concerning the glorification of delinquency and crime largely stems from the music lyrics that contain references to the artists' participation in criminal activity, namely, drug dealing, pimping, and gang activity—commonly referenced as hustling. A history of involvement in gang and/or criminal activity provides what is considered "street creditability," which is a vital ingredient to being perceived as a serious contender in this genre of music. A quick review of the personas of the most famed rap artist demonstrates that they often make reference to their past experience in delinquency and crime. For example, artists such as Jay-Z and 50 Cent have highlighted their past involvement in drug dealing, while artists such as Snoop Dogg have made references to their past gang affiliation. These artists and others often present their past experience in criminal activity in a way that suggests that involvement in these activities is a viable means to obtaining money and fame. Those who criticize hip hop and rap claim that the preponderance of this theme in such music symbolizes not only acceptance of criminal behavior but high regard for it.

Additionally, whether it is a case of life imitating art or art imitating life, some artists continue their connection with the gangster lifestyle during the height of their music success. The late, famed rapper Tupac Shakur, who died in 1996 as the result of gunshot wounds following a drive-by shooting, was well known for his celebration of the "thug life." The "thug life" culture celebrates what is considered a hard-core lifestyle that includes possessing a cavalier attitude, flaunting money and material items, and accepting violence as a method of resolving conflict. All of these characteristics led themselves to illustrations of the link between thug life and delinquency/crime.

In presenting images of violence as an acceptable means of resolving conflict, rap artists such as T.I. and Snoop Dogg have also been in the media in connection with illegal activities such as possession of illegal drugs and firearms. The continued connection with criminal activity keeps alive the hardcore persona of these artists and demonstrates their procriminal attitudes, which are often illustrated in their music.

Past and current affiliations with criminal activity by famed gangsta rap artists have the potential to serve as a normalizing force. Critics of hip hop contend that the repetitive presentations of procriminal images in the music and videos, coupled with real-life scenarios, reinforce the notion that engaging in aberrant behavior is a common and acceptable practice. Such critics argue that hip hop's glorification of illegal activity in both song and real life encourages young people to get involved in delinquency and crime. Others suggest that because these individuals are in the limelight, they inadvertently have a tremendous appeal to young people, and their celebration of involvement in illegal activities serves as a marker that such activities are legitimate. This is particularly relevant for young people who do not have positive role models within their close circles, such that outside social agents can become replacement agents of socialization.

Some critics have argued that the power in the music lies in the impact the music has had not only on individuals but on society at large. Critics of rap music, such as newspaper columnist Stanley Crouch, argue that the negative ramification of the glorification of "thuggish behavior" extends beyond the individuals who listen to the music to impact the larger African American community. Hence, gangsta rap is being seen as having a devastating impact on the youth of today and the larger society.

Pointing the Finger in the Wrong Direction: Misplaced Blame of Hip Hop

While politicians and social critics have maintained that there is a connection between gangsta rap, procrime attitudes, and delinquency/crime, others question the social shaping effect of gangster rap. Supporters of gangsta rap argue that the music merely reflects the life experiences of the artists. It is a cultural form that mirrors the state of today's society, particularly that of urban youth. Scholars such as Michael Eric Dyson, Tricia Ross, and Clarence Lusane have defended hip hop, characterizing it as music with a higher purpose. Many of these supporters argue that hip hop artists are actually poets putting their prose to the beat of music, which has the power of transporting its listeners into the world of the artists.

Many supporters of this genre of music argue that contemporary rappers describe their reality just as rappers of the past (e.g., Kurtis Blow, Furious Five, The Sugarhill Gang) rhymed about issues that were salient in their times. As times change, so too does the music, and gangsta rap is a grittier, harsher musical form that reflects the grittier, harsher conditions of the urban poor in America today. Consequently, when rap artists rhyme about murder, drugs, and prostitution, they are expressing aspects of reality in urban centers. Many artists insist that their music reflects the harsh reality of their lived experiences, and in order to express themselves lyrically and be true to their art, they have to paint a picture of the realities of their lived experiences.

Some argue that the depictions of the harsh conditions of life and specifically the criminal aspects of life in the inner city are being romanticized by these artists. However, scholars such as Dyson and Ross contend that this is a misplaced criticism; on their view, hip hop artists do not seek to romanticize the physical geography of the ghetto; instead, they seek to uphold the intellectual by-products of the circumstances present in life in urban America and to erase the stigma associated with the ghetto. It can be argued that the music serves as a cathartic expression for the artists, as they use rhymes to describe life in their social world. Hence, when artists lament the harsh realities of the urban slums, their music can be seen as akin to a liberating experience that releases the toxins associated with this environment.

Whereas some critics argue that rhyming about crime and violence serves to legitimize these acts, others argue that while gangsta rap (or hip hop) is misguided at times, such music is more a description of the gangster world than an endorsement of this lifestyle. From this perspective, the suggestion that gangsta rap causes delinquency and crime is considered to be misguided; the artists should be regarded as sources of insight, not as role models who are leading the youth into a life of crime and destruction. According to this view, the artistic expression of gangsta rap functions to inform and entertain, not to make any judgment about the morality of criminal behavior. To claim that rap serves as an initiation into the world of crime and criminality is to put the cart before the horse; in reality, delinquency and crime existed before the evolution of gangsta rap. Supporters of this genre of rap suggest that it is used as a scapegoat for society's ills.

In response to the defense of hip hop, some social activists contend that the use of misogyny and negative name calling in hip hop contributed to social acceptance of racist language, such as radio host Don Imus's reference to members of the Rutgers University women's basketball team as "nappy-headed hos." The fact that the Don Imus incident brought the issue of misogyny and violence-laden lyrics into the public debate is illustrative of the link that has been made between the social ills of society and rap music. Newspaper columnist Crouch argues that Imus took cues from the rap idiom in his reference to the Rutgers team. However, other scholars argue that the use of words and imagery used in the art form is never an excuse for others outside of the African American community to use such idioms. Michael Eric Dyson has argued that there is an obvious distinction between the use of such language by Don Imus and the use of this language by Snoop Dogg.

The debate over the influence of hip hop on delinquency and crime was heightened as result of the Imus incident and continues today. Some artists have agreed that there needs to be a moratorium on the use of negative words and images in the music, whereas others fervently disagree. Many artists argue that they have a right to use terms that some find offensive, and the moral debate surrounding rap has done little to influence the views of some of the artists.

Conclusion

Both sides of the debate concerning hip hop and crime make valid points. There continues to be a divide between those who see hip hop as being a negative force and those who disagree with this assessment. While the debate rages on, it is important to note that while much attention is focused on gangsta rap artists, other rap artists present a more positive tone in their music. Artists such as Common, Mos Def, Queen Latifah, Lauren Hill, and M-1 produce music that is commonly referred to as "conscious" music because it often serves to educate and set a more affirmative tone for its

listeners. These artists are often left out of the debate, but their influence on hip hop should be noted as they have served as the positive forces of hip hop.

Terri M. Adams

See also African American Gangs; Drug Dealers; Media Portrayals of African Americans; Violence Against Girls; Violence Against Women; Youth Gangs

Further Readings

Adams, T., & Fuller, D. (2006). Misogynistic lyrics and rap music: The words have changed by the ideology remains. *Journal of Black Studies*, *36*(6), 938–957.

Dyson, M. (2007). *Know what I mean*. New York: Basic Civitas Books.

Goodman, A. (Interviewer), & Dyson, M. E. (Interviewee). (2007, July 18). *Professor and preacher Michael Eric Dyson on hip hop & politics, Don Imus, the "N"-word, and Bill Cosby* [Interview transcript]. Retrieved from Democracy Now! website: http://www.democracynow.org/2007/7/18/professor_and_preacher_michael_eric_dyson

Quinn, E. (2004). *Nuthin but a "G" thang: The culture and commerce of gangsta rap*. New York: Columbia University Press.

Rose, T. (1994). *Black noise: Rap music and Black culture in contemporary America*. Middletown, CT: Wesleyan University Press.

Historically Black Colleges and Universities

Historically Black colleges and universities (HBCUs) were founded to educate formerly enslaved people of African descent. Cheyney State University in Cheyney, Pennsylvania, was established in 1837 as the first historically Black institution of higher education. There are now 105 HBCUs scattered throughout the United States, the majority of which are located in the South. Many of these were built after the Morrill Act of 1890, which provided for state-supported land-grant HBCUs. The importance of these institutions to Black people is paramount, past and present. This entry provides a short history of HBCUs and describes the challenges they have faced, the successes they have achieved, and future goals. It identifies reasons why a knowledge of HBCUs is important in understanding race relations in the United States and how Blacks have been self-determined in their efforts to educate themselves despite opposition. It also explores the growing role of degree programs in criminal justice at HBCUs.

After the enslavement of African-descended peoples was abolished, it was HBCUs that embraced the ideals for Black empowerment through education. More than 90% of people of African descent in college were enrolled in HBCUs until midway through the 20th century. However, the favorable impact of HBCUs was not immediate; initial opposition to Black education had to be dealt with before African Americans could truly benefit from the creation and implementation of HBCUs. Some Whites opposed Black education in the belief that education would put Blacks in direct competition with them for jobs. Despite this, HBCUs continued to be built.

Challenges Confronted by HBCUs

Over time, educators at a number of universities, including Fisk University, Howard University, and Atlanta University, expressed disdain toward HBCUs' lack of concern with the social, political, and economic realities facing Blacks. The institutions were criticized for not gearing their education to suit the needs of Black communities and for failing to prepare students for life and its hardships. Such critics argued that political and economic empowerment needed to be a critical part of the curriculum if Blacks were to elevate themselves from the second-class citizenship status imposed on them by the dominant culture.

Some HBCUs, including Bluefield State and West Virginia State universities, have come to have predominantly White student bodies. However, Black students have not become the majority at any historically White colleges and universities (HWCUs). HBCUs have struggled to assert their legitimacy to state legislators in Louisiana, Florida, Texas, Georgia, Mississippi, and Alabama. Additionally, state monetary appropriations to HBCUs have traditionally been markedly less than

that given to HWCUs, sometimes constituting 10% or less. Some HBCUs also have issues with the quality of facilities, availability of academic programs, and the number of graduate programs. Despite these challenges, these educational institutions have experienced many successes, and Black students from across the nation continue to seek them out.

Success at HBCUs

Over the past 100 years or more, HBCUs have produced stellar students from multiple disciplines who are competitive in their respective fields. Additionally, the value of these schools is shown by increases in enrollment and in the number of bachelor degrees awarded. In 2004 the National Center for Educational Statistics reported that HBCUs have awarded 28% of all bachelor degrees earned by African Americans. In 2000 *Black Enterprise* surveyed more than 500 Black professionals and found that the five top-ranked colleges and universities in terms of best social and academic environment for Black students were HBCUs. Of the top 10 institutions graduating Black students who go on to earn a Ph.D., the United Negro Fund has reported that nine of them are Black colleges.

Researchers Kim and Conrad compiled the results of multiple studies to highlight the success of Black students who attend HBCUs in an article published in 2006. These studies indicate the increased involvement with faculty through mentoring experienced at HBCUs results in greater African American achievement. Additional studies included also suggest that Black students attending HBCUs have greater and deeper involvement with their communities and do as well as or better in standardized writing skills, science reasoning, and overall grade attainment than do Black students who attend HWCUs. However, in a 2006 study, Kim and Conrad found no differences in rate of degree completion whether Black students attended an HBCU or an HWCU.

Criminal Justice Programs at HBCUs

Relative to involvement in empowering Black communities is recognition of the current state of Black communities. The disproportionate incarceration of African Americans in the United States requires attention from researchers, activists, and educators who are familiar with this phenomenon and are trained in racially sensitive perspectives to seek change on a number of levels. Since the late 1960s, the existence and growth of criminal justice programs at HBCUs have been a testament to the desire of those institutions to tackle these issues. Graduates of these programs have diversified the criminal justice system, and their long unheard voices will continue to paint a more complete picture of the lived experiences of Black people and their interaction with the criminal justice system. According to Penn and Gabbidon, there are currently 48 criminal justice programs offering a bachelor's degree, with over 5,800 students enrolled, and 5 programs offering a master's degree, with approximately 500 students enrolled.

Criminal justice programs at some HBCUs have become the largest degree programs at those institutions. It is likely that such increased enrollment reflects a growing concern with addressing the disparities in the criminal justice system as well as a perceived opportunity to confront these issues. Moreover, in addition to the ever-increasing number of graduate programs in criminology and criminal justice at HBCUs, it is notable that there are now Ph.D. programs in justice-related areas at Prairie View A&M University (in juvenile justice) and Texas Southern University (in administration of justice). As a result of such programs, it is likely that there will also be increasing diversity on the faculties of criminology and criminal justice programs across the nation.

Future Challenges

In the age of technology, distance learning has become an ever-increasing alternative to traditional learning on many college campuses. Some HBCUs are embracing this form of education and, as a result, may increase enrollment if students are not required to be on campus full-time. An increase in enrollment may also be seen as a result of the decreased cost of distance learning programs.

The charge of HBCUs continues to be relevant as race relations have yet to exhibit equitable treatment

of people regardless of race. HBCUs continue to produce graduates that utilize their skills to empower Black communities, and that empowerment continues to modify the landscape of America. For instance, HBCU graduates now have political leadership in government and can advocate for legislation to support the growth and maintenance of these institutions. Additionally, these institutions continue to produce graduates who are competitive in their respective fields while being cognizant of who they are and their ability to utilize their knowledge for Black empowerment and subsequently the betterment of all humanity.

Efua Akoma

See also Mentoring Programs

Further Readings

Ashley, D., & Williams, J. (2004). *I'll find a way or make one: A tribute to historically Black colleges and universities*. New York: HarperCollins.

Debro, J. (1981). Criminology and criminal justice education in historically Black colleges and universities. In R. L. McNeely & C. E. Pope (Eds.), *Race, crime, and criminal justice* (pp. 161–174). Beverly Hills, CA: Sage.

Distance education is coming to the Black colleges. (2004, October). *Journal of Blacks in Higher Education*, *45*, 112–114.

Evans, A. L., & Evans, V. (2002). Historically black colleges and universities (HBCUS). *Education*, *123*(1), 3–16.

Gabbidon, S. L., & Penn, E. B. (1999). Criminal justice education at historically Black colleges and universities: Past, present, and future. *The Justice Professional*, *11*(4), 439–449.

Kim, M. M., & Clifton, C. (2006). The impact of historically Black colleges and universities on the academic success of African American students. *Research in Higher Education*, *47*(4), 399–427.

Lemelle, T. (2002). The HBCU: Yesterday, today and tomorrow. *Education*, *123*(1), 190–196.

Penn, E. B., & Gabbidon, S. L. (2007). Criminal justice education at historically Black colleges and universities: Three decades of progress. *Journal of Criminal Justice Education*, *18*(1), 137–162.

Roebuck, J., & Murty, K. (1993). *Historically Black colleges and universities: Their place in American higher education*. New York: Praeger.

HIV/AIDS

HIV/AIDS is a devastating disease that disproportionately affects minorities. This entry defines HIV/AIDS, explains the routes of transmission, examines the disparities of HIV infection and AIDS diagnosis among racial and ethnic groups, and offers explanations for these differences. It also describes some recent HIV/AIDS and crime issues.

Overview

The human immunodeficiency virus (HIV) is a retrovirus that attacks the human immune system. It is transferred from an infected to a noninfected individual by bodily fluids, which include blood, breast milk, pre-ejaculate, semen, and vaginal fluid. HIV is transmitted by sexual intercourse, blood transfusion, mother to baby (known as perinatal transmission, including breast feeding, child birth, and pregnancy), and contaminated needles and syringes. The advanced or final stage of the fatal disease is known as acquired immunodeficiency syndrome (AIDS). There is no known cure for HIV/AIDS, but antiretroviral drugs have been successful in increasing the life expectancy of those who are infected. However, these drugs are expensive and often out of reach for people in underdeveloped countries. Recognized in 1981, HIV is believed to have originated in sub-Saharan Africa. Today HIV/AIDS is considered a pandemic. According to the World Health Organization, approximately 39.6 million worldwide are living with HIV. Although it is a global problem, sub-Saharan Africa carries the largest burden of cases, and females are disproportionately infected. It is estimated that 25 million people around the globe have died of AIDS since the virus was identified.

U.S. Data

Although the number of HIV infections and AIDS diagnoses in the United States has not been as prevalent as in sub-Saharan Africa, it remains a serious public health problem. The first HIV cases began appearing in gay men in 1981, and HIV was initially labeled a gay or homosexual disease.

According to the U.S. Centers for Disease Control and Prevention (CDC), the infection rate peaked in the 1980s with approximately 150,000 new infections annually, then dramatically decreased to 40,000 infections annually, where it has remained. As a result of antiretroviral drugs entering the market in 1996, AIDS cases began to decrease. In the United States, approximately 500,000 people have died from AIDS since 1981. Today over 1 million Americans are currently living with HIV and one quarter are unaware they are infected, indicating the need for more public awareness and additional prevention efforts.

Race

In terms of race and ethnicity, HIV/AIDS has affected minorities more than Whites, thus creating a health disparity. African Americans and Hispanics are disproportionately represented with HIV/AIDS. According to the CDC, although Blacks comprise 14% of the U.S. population (based on the 2000 U.S. Census), they account for 49% of HIV/AIDS cases diagnosed. In comparison, Hispanics comprise 14% of the population and make up 18% of HIV/AIDS diagnoses in 2005. The CDC reported that in 2005, the rate of AIDS diagnoses for Black adults and adolescents was 10 times greater than that of Whites and nearly 3 times greater than for Hispanics; the rate of AIDS diagnoses for Black women was nearly 23 times that of White women; and the rate of AIDS diagnoses for Black men was 8 times greater than that of White men, indicating the disparity among races. With regard to life expectancy, on average Blacks diagnosed with AIDS do not live as long as do non-Blacks. Moreover, AIDS is a leading cause of death for Black females. According to the CDC, in 2002 HIV/AIDS was the leading cause of death for Black women ages 25 to 34. Thus far, 211,000 Blacks have died from AIDS. The statistics for the Black population indicate a health crisis.

Explanations

Although Blacks have been the hardest hit of any race or ethnicity in the United States, it is important to note that race and ethnicity are not in themselves risk factors for HIV/AIDS. Socioeconomic factors such as poverty, high unemployment, lack of education, and incarceration are known risk factors for HIV/AIDS and other illnesses. Individuals who are poor may not have the resources to get tested for HIV or may lack health insurance to seek treatment. Minorities are more likely to be poor than are Whites. In terms of health, Blacks also have higher rates of sexually transmitted diseases (STDs) according to the CDC. This is significant because certain types of STDs increase the chance of infection. Individuals with STDS are 2 to 5 times more likely to become infected with HIV. Similarly, those with HIV who have an STD are more likely to infect their partner with HIV via sexual contact, revealing the importance of treating STDS.

Culturally there is a stigma attached to being HIV positive, which can make individuals less likely to get tested, seek treatment, or inform partners of their HIV status; this lack of action contributes to the spread of the disease. Oftentimes individuals live in denial, unable to admit to themselves or others they have the disease. Moreover, there is a stigma attached to being homosexual. The fear, discrimination, and hate crimes associated with homosexuality make it difficult for individuals to come forward with the disease. This is significant given that the majority of Black males become infected through male-to-male sex. The fact that Black females predominantly become infected through heterosexual contact compounds the problem and brings up the issue of sexual orientation. Homosexuality, bisexuality, and heterosexuality may not be openly discussed between partners due to shame and fear. In addition, there is a Black male shortage. Demographically, Black women face an unfavorable sex ratio, which potentially limits their selection of partners. These barriers increase the likelihood of spreading HIV.

HIV/AIDS, Crime, and Criminal Justice

HIV/AIDS transmission is a critical issue in criminal justice. According to the National Center for Victims of Crime, many states have enacted HIV/AIDS legislation that requires either preconviction or postconviction testing (or both) of sexual offenders and disclosure of test results to

the victims. Victims of other violent crimes might also be at risk for HIV infection as a result of physical and sexual trauma. The transmission of HIV/AIDs among intravenous drug users has been a concern to criminal justice and public health officials since the 1980s.

Government Intervention

The U.S. federal government has responded to HIV/AIDS. In 1990, Congress passed the Ryan White Care Act, which is the largest federal HIV program serving 500,000 individuals. According to the U.S. Department of Human Services, it provides funding for low-income individuals with HIV who are uninsured or underinsured, promotes access to care, and provides primary health care. To address the disproportionate number of African Americans with HIV/AIDS, President Clinton created the Minority Aids Initiative in 1998, which provides new funds for HIV/AIDS services in minority communities. The goal of the program is to improve health outcomes and decrease health disparities for minorities with HIV/AIDS. Specifically, it addresses prevention, provides outreach to minorities with HIV/AIDS, and assures access to care and treatment.

Next Steps

Although government programs and treatment are available to those with HIV/AIDS, there is no cure for the disease. It is critical that new HIV infections be prevented by educating people, specifically minorities, about the transmission of HIV and the importance of practicing safe sex and getting tested regularly. For those already infected with HIV, quality health care and affordable treatment need to be sustained. Research needs to focus on successful prevention strategies in minority communities and ongoing surveillance of the disease.

Lorenda A. Naylor

See also Drug Treatment; Drug Use; Hate Crimes; National Association for the Advancement of Colored People (NAACP); Victim Services

Further Readings

Centers for Disease Control and Prevention. (1998, July 31). HIV prevention through early detection and treatment of other sexually transmitted diseases—United States recommendations of the Advisory Committee for HIV and STD Prevention. *Morbidity and Mortality Weekly Report, 47*(RR/12), 1–24. Retrieved from http://www.cdc.gov/mmwr/preview/mmwrhtml/00054174.htm

Centers for Disease Control and Prevention. (2006, June 2). Twenty-five years of HIV/AIDS—United States, 1981–2006. *Morbidity and Mortality Weekly Report*, *55*(21), 585–589.

Centers for Disease Control and Prevention. (2007, June). *HIV/AIDS among African Americans* [Fact sheet]. Retrieved July 8, 2007, from http://www.cdc.gov/hiv/topics/aa/resources/factsheets/aa.htm

Centers for Disease Control and Prevention. (2007, June). *HIV/AIDS surveillance report, 2005* (Vol. 17, Rev. ed.). Retrieved from http://www.cdc.gov/hiv/topics/surveillance/resources/reports/2005report/pdf/2005SurveillanceReport.pdf

Joint United Nations Programme on HIV/AIDS (UNAIDS). (2006). *2006 report on the global AIDS epidemic*. Geneva: UNAIDS. Retrieved from http://www.unaids.org/en/KnowledgeCentre/HIVData/GlobalReport/2006/default.asp

National Center for Victims of Crime. (1999). *HIV/AIDS legislation*. Retrieved from http://www.ncdsv.org/images/HIV-AIDSLegislation.pdf

Simoni, J. M., Sehgal, S., & Walters, K. L. (2004). Triangle of risk: Urban American Indian women's sexual trauma, injection drug use, and HIV sexual risk behaviors. *AIDS and Behavior*, *8*(1), 33–45.

Homicide Seriousness Dyad

Homicide seriousness dyad refers to the way in which courts have historically evaluated the seriousness of homicides committed by Blacks against Whites versus those committed by Whites against Blacks. This entry describes Guy Johnson's analysis of the impact of cultural and social factors, such as slavery and racial discrimination, on the seriousness with which homicides are perceived in the slave era and discrimination based on offender–victim characteristics. Next, the entry summarizes research by sociologist Darnell Hawkins on explanations for disproportionately high rates of homicide among African Americans.

Hawkins points to situational, structural, and institutional factors that should be considered in understanding the causes of Black homicide.

The Slave Era

Slavery dehumanized African Americans in such a way that they were seen as subordinate individuals per the degradation of slavery. Blacks were unable to establish a stable family, stable economic organization, or a stable community life. Sociologist Guy Johnson, in 1941, argued that slavery elicited a certain set of behaviors in the Negro, such as lack of self-respect, lack of self-confidence, a distaste for hard work, and a distrust for White man's laws. These behaviors caused strain and resulted in violent or criminal acts. During the slave era, it was not considered a crime when a White slave owner killed a Black slave. In addition, a White person was allowed to cause injury to a Black slave without any criminal repercussions. However, when a Black slave killed a White person, this was considered one of the worst crimes imaginable and carried a heavy punishment. Punishment was swift and severe for the Black slave who found himself in this position, as the probability of the destruction of social order was feared. Throughout the slave era in the South, several local and state ordinances and statutes defined criminal offenses that were strictly slave-specific. Some state statutes made the punishment for an offender dependent on a comparison of offender–victim characteristics.

Offender–Victim Characteristics

Johnson noted that the murder of a White person by a Negro and the murder of a Negro by a Negro were not the same kind of murder from the standpoint of the upper caste's scale of values, even though official crime statistics categorized them together. Johnson proposed four offender–victim categories. He called his four offender–victim categories the "hierarchy of homicide seriousness model." This model rank-ordered crimes by seriousness of crime, from most serious to least serious, as follows:

1. Negro versus White
2. White versus White
3. Negro versus Negro
4. White versus Negro

In studies of three states in the South, Johnson found that Blacks who killed Whites were more likely to be sentenced to death and executed than were Whites who killed Whites. Furthermore, Blacks who killed Blacks were given lighter sentences overall. Whites who killed Blacks were seldom prosecuted. Blacks learned rather quickly that harsher punishment was in store if they killed a White person versus a Black person. They also learned that when a White person killed a Black person it was seldom reported, and such a case was even less likely to be prosecuted in a court of law.

Drawing on Johnson's model, Hawkins proposed three theoretical propositions to explain the fact that rates of Black criminal homicide were higher than those for Whites or other non-Black Americans:

1. American criminal law: Black life is cheap, but White life is valuable.
2. Past and present racial and social class differences in the administration of justice affect Black criminal violence.
3. Economic deprivation creates a climate of powerlessness in which individual acts of violence are likely to take place.

The first proposition states that throughout American history, a Black life was treated as less valuable than a White life. Hawkins expanded Johnson's work and created a racial hierarchy of homicide offenses which listed most serious to least serious types of homicide (Hawkins, 1983, pp. 420–421):

Hawkins' Hierarchy of Homicide Seriousness

Rating	*Offense*
Most Serious	Black kills White, in authority
	Black kills White, stranger
	White kills White, in authority
	Black kills White, friend, acquaintance
	Black kills White, intimate, family
	White kills White, friend, acquaintance
	White kills White, intimate, family
	Black kills Black, stranger
	Black kills Black, friend, acquaintance
	Black kills Black, intimate, family
	White kills Black, stranger
	White kills Black, friend, acquaintance
Least Serious	White kills Black, intimate, family

Furthermore, Blacks learned that killing another Black carried little if any prison time; Hawkins postulated that this devaluation of life contributed to Black-on-Black homicide.

The second proposition speaks to the numerous factors preceding a homicide event, such as assault. Hawkins argued that when such prehomicide events occur in the Black community, they are overlooked, or law enforcement and other administration of justice agencies do not respond adequately; for example, there may be no response, or police response times may be unacceptably slow. This ineffective intervention, in turn, caused Blacks to fail to report prehomicide behavior.

The third proposition states that criminal violence is caused in part by economic deprivation and powerlessness, and thus, homicide rates will occur at a higher rate among the Black underclass than among the Black middle class. Hawkins felt the association between Black homicide rates and low socioeconomic status was characterized by lower-class Blacks seeing violent crime as a way to have some sort of control in a society that rendered them powerless socially, politically, and economically. Consequently, Blacks are disproportionately represented in the prison system for acts of criminal violence.

Over the past 25 years since the publication of Hawkins's suppositions, countless death-penalty studies have shown support for the "race-of-victim" effects. In short, in line with the homicide seriousness dyad, Black offenders have been more likely to receive a death sentence when the victim is White than when the victim is non-White.

Monica B. Pinalez

See also Black Criminology; Capital Jury Project; Center for the Study and Prevention of Violence; Dehumanization of Blacks; Inequality Theory; Interracial Crime; John Jay College Center on Race, Crime and Justice; Sentencing Disparities, African Americans; Sentencing Project, The

Further Readings

Farrell, R. A., & Swigert, V. L. (1978). Legal disposition of inter-group and intra-group homicides. *Sociological Quarterly*, *19*, 565–576.

Green, E. (1964). Inter- and intra-racial crime relative to sentencing. *Journal of Criminal Law, Criminology and Police Science*, *55*, 348–358.

Hawkins, D. F. (1983). Black and White homicide differentials: Alternatives to an inadequate theory. *Criminal Justice and Behavior*, *10*(4), 407–440.

Johnson, G. B. (1941). The Negro and crime. *Annals of the American Academy of Political and Social Science, 217*, 93–104.

Kleck, G. (1981). Racial discrimination in criminal sentencing. *American Sociological Review*, *46*, 783–805.

Ross, P. H., Bose, C. E., & Berk, R. E. (1974). The seriousness of crimes: Normative structure and individual difference. *American Sociological Review*, *39*, 224–237.

Wolfgang, M. E. (1958). *Patterns in criminal homicide*. New York: Wiley.

Houses of Refuge

The housing of delinquent youth in America has been a major concern throughout history. With the influx of immigrant families entering the United States in the late 1700s and early 1800s, increased juvenile presence and delinquency quickly became a social concern. As the result of increased juvenile presence on the streets, houses of refuge were proposed as a solution to juvenile delinquency. Throughout history, houses of refuge have been consistently defined as care facilities developed by the child savers (reformers who developed programs for troubled and neglected youth). Although houses of refuge existed ostensibly to protect potentially criminal youth from being easily influenced by the negative aspects of society, some critics argue that the use of houses of refuge was discriminatory, affecting only poor White immigrants while excluding Blacks. Particular attention has been given to historical discrimination and segregation of Black and White youth in juvenile facilities, as well as the existence of separate facilities for Blacks. This entry examines the history of the development of houses of refuge in America and consequently reviews the role of social reformers and court decisions in their existence.

In the 17th and 18th centuries, recognition of child rights in England sparked a new era of recognition of childhood as a status to be protected in America. This newfound status was identified as a

special stage during which children were considered innocent but also corruptible. During this time, there were no laws governing or protecting children's rights; rather, chancery courts addressed the issue of neglected and poor children.

In the early 1800s, many White immigrant youth came to the United States from England as indentured servants or apprentices. Once these youth were in America, reformers were concerned with the moral training of those who exhibited behaviors such as drinking, vagrancy, delinquency, and running away. The doctrine of parens patriae, the power of the state to act on behalf of the child, was adopted by the courts to address children in need of supervision. This adoption marked a new direction in America, in which parents became second to the state when considering the well-being of children. Reformers believed that juvenile crime was the direct result of exposure to poverty, immigration, and lack of parental guidance. In their attempt to address these conditions, child savers supported removing children from their homes and placing them in houses of refuge to offer them better opportunities.

On January 1, 1825, the first house of refuge opened in New York. The main purpose of the house of refuge was to provide youth with firm discipline and a strong work ethic to compensate for what the family was not doing. Throughout the 18th century, many states followed New York in an attempt to address the newfound social concern surrounding juvenile delinquency. In 1826, Boston opened its first house refuge, and by 1828 many youth were being transported across the country.

Unlike their White counterparts, Black youth continued to be treated as, and housed with, adults in jail for years after the first house of refuge was established. Black youth were often hard to place as apprentices, and they were excluded from the opportunities provided by houses of refuge because of their skin color. Although delinquency concerns were similar for both Black and White youth, arguments surfaced that White child savers were interested only in saving White youth. And while facilities in New York and Boston accepted Blacks, they were segregated from the White youth. In other states, however, Black youth were excluded altogether from the houses of refuge. In 1849, Philadelphia established a separate house of refuge for Black youth. Even so, continued concern surrounding unequal race-based treatment led to the establishment of the Black Child Savers organization in 1907.

The relationship between the houses of refuge and law are depicted in two annotated court decisions: *Ex Parte Crouse* (1838) and *People v. Turner* (1870). In the 1838 case of Mary Ann Crouse, a female believed to be incorrigible was presented to the court. Even though her father petitioned the court for her release, Mary Ann Crouse was sent to live in a house of refuge in Pennsylvania as the result of her family's economic status. This was the first case where a child who had not committed a crime was committed to a house of refuge. In a similar case, *People v. Turner* (1870), Daniel O'Connell was sent to live in a house of refuge because the court believed he was likely to offend in the future. On appeal, this case was overturned by the Illinois Supreme Court, which ruled that O'Connell was not being treated and was being imprisoned without due process.

Despite the original intent of reformers to care for youth, abusive treatment of youth became apparent. Houses of refuge were marked with filth, danger, and discrimination, and they were not equipped to supervise youthful populations. Over the years, the existence and persistence of disproportionate minority confinement have been linked to discriminatory practices of this time. For over 50 years, houses of refuge were the dominant facilities that housed juvenile delinquents in America, and during this time, more than 50,000 children were displaced.

Tiffiney Y. Barfield-Cottledge

See also Child Savers; Delinquency Prevention; Juvenile Crime; Reformatories

Further Readings

Bernard, T. J. (1992). *The cycle of juvenile justice*. New York: Oxford University Press.

Bernard, T. J. (2006). *Serious delinquency: An anthology*. Los Angeles: Roxbury.

Del Carmen, R. V., Parker, M., & Reddington, F. P. (1998). *Briefs of leading cases in juvenile justice*. Cincinnati, OH: Anderson.

Gabbidon, S. L., & Greene, H. T. (2005). *Race and crime*. Thousand Oaks, CA: Sage.

Parent, D. G., Lieter, V., Kennedy, S., Livens, L., Wentworth, D., & Wilcox, S. (1994). *Conditions of confinement: Juvenile detention and correctional facilities*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.

Houston, Charles Hamilton (1895–1950)

Charles Hamilton Houston, an African American attorney and teacher, was known as the architect of civil rights legislation. It was Houston's strategy for defeating racial segregation through the courts that led to the *Brown v. Board of Education* decision of 1954. He is responsible for training or influencing the nation's early civil rights attorneys, including Thurgood Marshall, Spottswood Robinson, William Hastie, James Nabrit, and Oliver W. Hill. This entry reviews Houston's life, his academic training, and his substantive contributions to the civil rights movement.

The Early Years

Charles Hamilton Houston was born September 3, 1895, in Washington, D.C., to William LePre Houston, an attorney, and Mary Ethel Hamilton Houston, a beautician. His birth came 1 year before the infamous U.S. Supreme Court case of *Plessy v. Ferguson* (1896), which sanctioned racial segregation. William Houston was a renowned attorney who moved to Washington, D.C., in search of economic and cultural opportunities for his family. Charles Houston was an exceptionally intelligent child. He graduated first in his class from the M Street High School in Washington, D.C., which was known nationally for its high academic standards and prestigious Black graduates. Alumni of M Street include Charles Drew, M.D., Congresswoman Eleanor Holmes Norton, and the first Black graduate of the Harvard Business School, Dr. Howard Naylor Fitzhugh. Charles Houston then attended Amherst College, where he graduated magna cum laude at age 19. The only Black person in the class of 1915, he was elected to Phi Beta Kappa and was class valedictorian.

Finding Destiny

In 1917, in the advent of the U.S. entry into World War I, Houston joined the military, enlisting in the U.S. Army's officer training program. The U.S. military was segregated and steeped in a tradition of hostility toward Blacks. Charles Houston rose to the rank of second lieutenant in the army's field artillery unit. The depth of racism he faced in America's military led Houston to make an oath that would change his life and the direction of civil rights litigation. He wrote, "I made up my mind that if I got through this war I would study law and use my time fighting for men who could not strike back." After the war, Houston returned to Washington, D.C., and applied to Harvard Law School. It was 1919. Race riots engulfed the nation leading that summer to be known as the "Red Summer," so named for the blood that ran through the streets.

Charles Houston was admitted to Harvard Law School and became known as a brilliant student. Houston was elected an editor of the *Harvard Law Review*, the first Black person to achieve this honor. He graduated from Harvard in 1922 and in 1923 received a Doctor of Juridical Science, the first Black person at Harvard to be awarded this degree. After graduating from Harvard Law School, Houston traveled to Africa before returning to Washington, D.C., to practice law with his father.

Attorney, Professor, Strategist

Charles Houston argued the U.S. Supreme Court case of *Nixon v. Condon* (1932), which successfully challenged a Democratic Party policy in Texas prohibiting Blacks from participating in primary elections. Soon Charles Houston determined that the fight against racial segregation required the training of Black attorneys at Black law schools. In 1929, in addition to the practice of law, Houston taught at Howard University, which at the time had a fledgling law school. Houston is chiefly responsible for raising the prestige and quality of education of Howard Law School. Through his efforts, by 1931, Howard Law School attained full accreditation by the Association of American Law Schools and the American Bar Association, the first Black law school to do so.

When the American Bar Association refused membership to Blacks, Houston helped found the National Bar Association, the first national organization for Black attorneys.

At Howard Law School, Houston created a rigorous curriculum featuring substantive law as well as trial advocacy and appellate practice. He viewed the Fourteenth Amendment to the U.S. Constitution as the Black *Magna Carta* and trained Howard University law students in the use of the equal protection and due process clauses to fight racial discrimination. He urged law school graduates to return home and challenge discriminatory practices. To Charles Houston, a "lawyer is either a social engineer or a parasite on society." Houston would become a professor and the dean of Howard University Law School.

In 1935, Houston left the dean's post at Howard Law School to become the first special counsel to the NAACP, leading the organization's legal committee until 1940. It was during his tenure at the NAACP that Houston began to implement a strategy to defeat the *Plessy v. Ferguson* (1896) legal doctrine of "separate but equal"' in education. Houston brilliantly surmised that the requirement to build and maintain a separate facility for Blacks would be financially prohibitive for state governments. He then assisted dozens of attorneys around the country in an orchestrated plan to challenge racial discrimination in public education. Charles Houston, with Thurgood Marshall, led the litigation of *Murray v. Pearson* (1936), integrating Maryland's law school, and *Missouri ex rel. Gaines v. Canada* (1938), in which a Black applicant was denied admission to the University of Missouri Law School based solely on his race. Houston successfully argued that Gaines must be admitted into the state's law school or be provided with a law school for Blacks. In 1938, the U.S. Supreme Court ruled in favor of Gaines.

In 1940, Houston returned to Washington, D.C., leaving his position at the NAACP to his assistant and former student, Thurgood Marshall. In private practice at his father's firm, Charles Hamilton Houston continued to challenge racial discrimination. Despite threats to his life and his livelihood, he represented Blacks from trial through appeal, applying his constitutional strategy to both civil and criminal cases. Houston was responsible for two renowned labor law cases: *Steele v. Louisville & Nashville R.R. Co.* (1944) and *Tunstall v. Brotherhood of Locomotive Firemen & Enginemen* (1944), which forced unions to represent the interests of Black employees fairly. Houston argued several state criminal cases challenging the exclusion of Blacks from juries. In *Legions v. Commonwealth of Virginia* (1943) and *Hale v. Kentucky* (1938), Houston argued that Black defendants were denied due process rights because of the exclusion of Blacks from juries. In *Shelley v. Kraemer* (1948) and *Hurd v. Hodge* (1948), Houston successfully argued that a court is prohibited from enforcing racially discriminatory provisions in the deeds and contracts known as restrictive covenants.

Houston died on April 22, 1950. His death would come 4 years before the U.S. Supreme Court's ruling in *Brown v. Board of Education of Topeka* (1954) denouncing the doctrine of "separate but equal" in public education. Although he did not live to see the fruit of his labor, Houston remains *the* architect of civil rights litigation. Civil rights law, featuring his legal precedents, has become a course of study in every law school in the country. Houston's legacy is the political, economic, social, and educational progress within the Black community. Charles Hamilton Houston is an American hero whose contributions as scholar, writer, lawyer, activist, and professor are evidenced by advocacy groups, of all walks of life, which continue to utilize his strategies in their quest for justice under law.

Gloria J. Browne-Marshall

See also NAACP Legal Defense Fund

Further Readings

Anderson, J. F. (2006, Spring). The criminal justice principles of Charles Hamilton Houston: Lessons in innovation. *University of Baltimore Law Review*, *35*(3), 313–345.

Browne-Marshall, G. J. (2007). *Race, law, and American society: 1607 to present*. New York: Routledge.

Carter, R. (2004). The long road to equality. *The Nation*, *278*(17), 28–30.

Carter, R. (2007, Summer). Brown's legacy: Fulfilling the promise of equal education. *Journal of Negro Education*, *76*(3), 240–249.

McNeil, G. R. (1983). *Groundwork: Charles Hamilton Houston and the struggle for civil rights*. Philadelphia: University of Pennsylvania Press.

Human Trafficking

Nearly 700,000 people a year are transported globally across national boundaries by force or deception for the purpose of labor or sexual exploitation. Of these victims, an estimated 18,000 to 20,000 are trafficked into the United States, which is the second largest destination for victims of the sex trafficking trade. While human trafficking is recognized as a growing transnational phenomenon, a uniform definition has yet to be internationally adopted; in several countries human trafficking is not even a crime. The fact that individual countries often adopt their own definition of human trafficking leads to an international inability to measure its occurrence, which gives the perception of a lack of trafficking activity. This entry examines human trafficking, which can be considered a form of modern-day slavery based on cultural instability and economic deprivation.

Whereas several countries have adopted the definition of human trafficking introduced by the United Nations, the United States has adopted a different and detailed definition, which divides human trafficking into two categories: sex trafficking and labor trafficking. More specifically, the United States acknowledges human trafficking as an individual induced by force, fraud, or coercion to engage in the sex trade, or the harboring, transportation, or obtaining of a person for labor service. The United Nations has expanded this definition to include the removal of organs—a circumstance that remains unacknowledged in the U.S. definition. Although the definitions of the crime may vary, the elemental factors they describe remain the same: the purposeful transportation of an individual for the purpose of exploitation.

The Trafficking Scheme

Human traffickers create transnational routes that facilitate the transportation of migrants who are driven by unfavorable living conditions to seek the services of a smuggler. Human trafficking starts in origin countries, namely, Asia, the former Eastern Bloc, and Africa, where recruiters seek migrants through various mediums such as the Internet, employment agencies, the media, and local contacts. Middlemen who recruit from within the origin country commonly share the same cultural background as those migrating. Migrants view the services of a smuggler as an opportunity to move from impoverished conditions in their home countries to more stable, developed environments.

Because such circumstances make it difficult for victims to obtain legitimate travel documents, smugglers supply migrants with fraudulent passports or visas and advise them to avoid detection by border control agents. Transporters, in turn, sustain the migration process through various modes of transportation: land, air, and sea. Although victims often leave their destination country voluntarily, the majority are unaware they are being recruited for a trafficking scheme. They may be kidnapped, coerced, or bribed by false job opportunities, passports, or visas. Transporters involved in trafficking victims from the origin country are compensated only after bringing migrants to the responsible party in the destination country. Immigration documents, whether legitimate or fraudulent, are seized by the traffickers. After this, victims are often subjected to physical and sexual abuse, and many are forced into labor or the sex trade in order to pay off their migratory debts.

The cause of human trafficking stems from adverse circumstances in origin countries, including religious persecution, political dissension, lack of employment opportunities, and poverty. Wars and natural disasters also influence a migrant's decision to seek the services of a smuggler. Another causal factor is globalization, which has catapulted developing countries into the world's market, increasing the standard of living and contributing to the overall growth of the global economy. Unfortunately, globalization is a double-edged sword in that it has shaped the world's market for the transportation of illegal migrants, affording criminal organizations the ability to expand their networks and create transnational routes that facilitate the transporting of migrants, while technological advances have transformed large criminal enterprises into manageable, diversified groups.

U.S. Legal Response

Before the establishment of U.S. laws specifically targeting crimes of human trafficking, smugglers were prosecuted under softer and less germane statutes. For instance, the White Slave Traffic Act, also known as the Mann Act, was enacted to prevent the use of interstate commerce facilitating prostitution or other forms of immorality. The Thirteenth Amendment established antislavery laws while providing the individual's right to freedom from involuntary servitude. The U.S. Congress also criminalized peonage, or the act of enslaving an individual until a debt is paid off, yet the U.S. courts penalized only those captors who imposed physical force or threats on their victims. As efforts to combat human trafficking were limited by the inability to compete with the evolving forms of enslavement, the United States recognized the need to adopt legislation more capable of addressing this growing transnational crime.

Although the practice of trafficking humans is not new, concerted efforts specifically to curtail human trafficking did not emerge until the mid-1990s when public awareness of the issue also emerged. The first step to eradicating this problem was to persuade multiple stakeholders that human trafficking was a problem warranting government intervention. As antitrafficking rhetoric gained momentum, efforts to address human trafficking crossed ideological and political lines. In 1999, motivated by the issue of slavery in Sudan, U.S. Senators Sam Brownback (R–KS) and Paul Wellstone (D–MN) proposed the first antitrafficking legislation. Similar bills concerning human trafficking were proposed in both the House and the Senate. In recognizing the inadequacy of existing laws, the U.S. Congress passed, and President William Jefferson Clinton signed into law, the first comprehensive federal legislation specifically addressing human trafficking, the Trafficking Victims Protection Act of 2000 (TVPA). The primary goal of the TVPA is to provide protection and assistance to trafficking victims, to encourage international response, and to provide assistance to foreign countries in drafting antitrafficking programs and legislation. The TVPA seeks to successfully combat human trafficking by employing a three-pronged strategy—prosecution, protection, and prevention.

Prosecution and Treatment of Human Trafficking as Organized Crime

The TVPA provides more fitting criminal statutes that assist in distinguishing human trafficking from human smuggling. This difference is often misunderstood or ignored. While the two crimes share common elements, they are distinguished in the latter phases of the crime, as the determination is made once the migrants have reached the destination country. The smuggler's involvement ceases after helping the person cross the border illegally, whereas a trafficker's participation does not. Smuggled migrants are free to leave their smugglers once they arrive in the destination country, and they are not victimized.

Although the definitions of *human trafficking* and *human smuggling* differ, they share common elements, as both crimes are highly structured and organized. The criminal enterprises need to transport a large number of migrants over a substantial distance, have a well-organized plan to execute the various stages of the crime, and possess a substantial amount of money for such undertakings. Human traffickers and smugglers have developed a multibillion-dollar industry by exploiting those forced or willing to migrate. For this reason, migrant trafficking is increasingly recognized as a form of organized crime. Trafficking networks may encompass anything from a few loosely associated freelance criminals to large organized crime groups acting in concert.

Human trafficking is a lucrative form of organized crime, and its profits are surpassed only by drug trafficking. In fact, the trafficking of narcotics and the trafficking of humans are often intertwined, using the same actors and routes into a country. Migrant trafficking is one of the fastest-growing criminal enterprises, grossing an estimated $3 billion to $10 billion annually. Traffickers resort to other illicit activities to legitimize these proceeds, such as laundering the money obtained not only from trafficking but also from forced labor, sex industries, and the drug trade. To protect this investment, traffickers use terroristic threats as a means of control over their victims and demonstrate power through the threat of deportation, the seizing of travel documentation, or violence against the migrants or their family remaining in the origin country.

Although the TVPA of 2000 recognized human trafficking as a form of organized crime, it was not until the TVPA's reauthorization that human trafficking was officially acknowledged as a type of racketeering activity, which is a Racketeering Influenced and Corrupt Organization Act (RICO) predicate offense. The purpose of the RICO legislation was to assist in prosecuting organized crime figures. Successfully prosecuting human trafficking under RICO further enhances criminal penalties. Additionally, the TVPA's implementation has enhanced criminal and civil penalties, allowing the seizure of assets and criminal forfeiture. The TVPA diverges from prior legislation by providing clarity and focused definitions. It also has specified new crimes in an effort to regulate labor exploitation and the commercial sex trade, thus addressing prior failed attempts of existing legislation.

Protection of Trafficking Victims Through the TVPA

Victims can petition for a T visa, a newly created visa under the legislation, which allows victims to apply for permanent residency, receive federally funded benefits, and petition to have family members relocated to the United States. To qualify for this visa, the individual (a) must be a victim of a "severe form" of trafficking (sex or labor trafficking), (b) must comply with requests of law enforcement, (c) must be physically present in the United States as a result of trafficking, and (d) would suffer extreme hardship involving unusual and severe harm if deported. A downside to this process is that it is a subjective and lengthy endeavor, and many criticize that the protection of victims is secondary to furtherance of criminal prosecution. For instance, to increase the victim's assistance with investigations, the TVPA has placed conditions on their federally funded benefits that are contingent upon their cooperation. Another criticism of domestic protection efforts is that the TVPA puts forth a narrow definition of victimization. While a person may be a legitimate trafficking victim, the U.S. government may not view a victim's situation as severe enough to merit protection under the TVPA.

Prevention and Control of Human Trafficking

Trafficking is a transnational crime that requires international cooperation, and the United States has taken a lead in promoting intercontinental cooperation. The TVPA provides assistance to foreign governments in facilitating the drafting of antitrafficking laws, strengthening investigation, and prosecuting offenders. International countries of origin, transit, and destination of trafficking victims are encouraged to adopt minimal antitrafficking standards. As outlined in the TVPA, these minimal standards consist of prohibiting severe forms of trafficking, proscribing sanctions proportionate to the act, and making a concerted effort to combat organized trafficking.

Foreign governments are to make a sustained effort to cooperate with the international community, assist in the prosecution of traffickers, and protect victims of trafficking. If governments fail to meet the minimum standards or fail to make strides to do so, the United States will only provide humanitarian and trade-related aid. Financial assistance of any other form from the United States is prohibited. Furthermore, these countries will face opposition from the United States in obtaining support from financial institutions such as the World Bank and the International Monetary Fund. The U.S. Department of State annually reports antitrafficking efforts in the *Trafficking in Persons Report* on countries considered to have a significant trafficking problem.

Strengthening Antitrafficking Efforts

Without knowing how prevalent the crime is, the true scope of the problem is difficult to assess, and programs addressing the needs of victims are difficult to implement. Regardless of the number of unknown victims, there remains a need to better assist known trafficking victims who remain fearful of deportation, retaliation, and incarceration. Although the TVPA has created a strong platform for combating human trafficking, barriers in investigating and prosecuting trafficking cases remain, both domestically and internationally.

Alese C. Wooditch

See also Organized Crime; Slavery and Violence; Violence Against Women

Further Readings

Kangaspunta, K. (2003). Mapping the inhuman trade: Preliminary findings of the database on trafficking in human beings. *Forum on Crime and Society*, *3*, 81–103.

Schloenhardt, A. (1999). Organized crime and the business of migrant trafficking: An economic analysis. *Crime, Law & Social Change*, *32*, 203–233.

Stoltz, B. A. (2007). Interpreting the U.S. human trafficking debate through the lens of symbolic politics. *Law & Policy*, *29*, 311–338.

U.S. Department of State. (2008, June). *Trafficking in persons report*. Retrieved from http://www.state.gov/g/tip/rls/tiprpt/2008

Victims of Trafficking and Violence Protection Act of 2000 (Pub. L. 106-386), 114 Stat., 1464–1548.

Hurricane Katrina

Hurricane Katrina made landfall along the U.S. Gulf Coast on August 29, 2005, and is deemed one of the top five deadliest storms in U.S. history and the deadliest since 1928. The ensuing impact of Hurricane Katrina revealed significant social concerns, including matters related to race, crime, and justice. Katrina was a Category 5 storm (though weakening to Category 3 before making landfall) whose physical devastation resulted more from the flooding of substandard infrastructures than from the hurricane itself. Parts of Louisiana, Mississippi, Alabama, and Florida suffered human, structural, and property destruction as a result of Katrina; however, New Orleans, Louisiana, endured the greatest losses. Even though the precise death toll is still not known, 1,836 individuals are reported to have perished as a result of Katrina, including 1,577 who hailed from Louisiana and 238 from Mississippi. An additional 705 people are still reported as "missing." In an analysis of data on deaths in New Orleans, Sharkey found that the number of Blacks who died as a result of Katrina was greater than would be expected given their population and age distribution in and around New Orleans. In addition, the great majority of the 705 people still reported as missing are African American.

This entry examines aspects of Hurricane Katrina that are related to crime and race, specifically in regard to the disparate impact of the hurricane on African Americans.

Criminal Behavior in the Aftermath of Katrina

Hurricane Katrina resulted in distraught victims committing desperate actions to survive the aftermath of the catastrophe. One such response by many residents to the consequences of Katrina was their involvement in activities considered to be criminal in nature and defined as crime by legal policy. News media accounts depicted many acts of looting and violence. Although similar acts took place in other cities, such as in Biloxi, Mississippi, the majority of the news media reports (some of which were later determined to be unfounded) focused on the deviant behaviors of New Orleans residents. The concerns of racial identity, race relations, and racial implications related to the storm were heavily influenced by the images fed to the general public of the impact on the New Orleans area and on the cities that welcomed large numbers of evacuees (such as Houston, Texas, and Baton Rouge, Louisiana).

It is clear that survivors in the areas most affected by Katrina engaged in looting. Looting can be defined as taking the property of others, without prior approval, during and after a natural disaster or human-caused catastrophe or uprising, such as what occurred after the 1992 riots in Los Angeles, California. What is undetermined about the looting that took place following Katrina is the extent to which it occurred and the majority of the types of items stolen. Research has found that in the aftermath of disasters in the United States, looting is an unusual occurrence. Because of the destruction and chaos following Katrina, much of what is known about any looting is from anecdotal accounts and ethnographic interviews. Although many Katrina survivors may have been engaged in acts that would generally be deemed illegal, it is useful to carefully consider the types of acts and motivations for committing them (e.g., survival).

Some survivors in affected areas physically broke into stores, whereas others entered stores

that had already been broken into or otherwise opened (e.g., doors and windows unsealed or broken by the force of the floodwaters). As was evident from ethnographic interviews and news media reports concerning these acts, individuals and groups seemed to rest on one of two sides of the debate about the usefulness of the looting that took place in the aftermath of Katrina and may have further qualified their assessment of the acts by deeming what was allowed to be taken (food and water) and what was not allowed to be taken (guns and luxury items such as televisions and stereos). The act of police officers (particularly in New Orleans) also breaking into stores and otherwise aiding residents in acquiring supplies was seen as further justifying the looting behaviors of Katrina survivors.

Within days of the storm, shocking tales were spread about murderous rampages by young male (African American) "thugs," brutal rapes of small children, and gangs of men armed with guns prowling New Orleans and the temporary shelters. Many of these accounts were reported as fact by city officials, including New Orleans Mayor Ray Nagin and then Police Chief Eddie Compass. These tales were repeated and disseminated worldwide through television and print media. Again, not until weeks later were the majority of reports of rapes and murders found to be unsubstantiated. Speculation is made that such stories of savage brutality were so easily accepted because of the large population of poor African Americans in New Orleans, the high rates of street crime in the city (with New Orleans having previously been known as the "murder capital of the nation"), and the overrepresentation of African Americans in correctional facilities throughout Louisiana.

Beyond the criminal and violent behavior attributed to Katrina evacuees, some individuals established fraudulent schemes, particularly through the use of the Internet, to deceive unsuspecting donors into contributing to what the donors believed was a legitimate source to support victims of the storm. Donors and potential donors were lured with fraudulent e-mails requesting assistance and illegitimate websites claiming to provide financial assistance to Katrina survivors. These Katrina-related scams reportedly occurred at higher rates than similar deceptive acts associated with previous disasters.

Public Safety Responses

Local police officers in Katrina-affected areas were faced not only with being (or feeling) obligated to remain in the sites to be affected by the storm and challenged with damaged equipment and stations but with facing the storm as victims as well. For example, members of the New Orleans Police Department (NOPD), more than half of whom were African American at the time of Hurricane Katrina, were required to live within city limits, and, as a result, approximately 80% of the police force's homes were ravaged by the flooding. In the immediate aftermath of Katrina, Louisiana officials, specifically Governor Kathleen Blanco and New Orleans Mayor Ray Nagin, stressed the importance of search and rescue efforts for New Orleans victims; however, within 3 days after the storm hit, these officials ordered public safety officers to focus their efforts on pursuing law violators.

Serving dual roles as survivors and rescuers placed a unique burden on NOPD officers; some chose to abandon their jobs. Although a number of NOPD officers (approximately 250) deserted their jobs soon after the storm, the majority of the 1,668 NOPD officers remained on the job to assist with evacuation efforts and crime control. The officers who abandoned their posts were caring for their own families, handed over their badges to indicate their resignation from the force, or simply left the job without notice. At least two officers committed suicide. Because the NOPD had been plagued with an unfavorable reputation due to the action of several corrupt officers during the 1990s, some public opinion concluded that the actions of the NOPD officers who deserted their jobs and who engaged in alleged acts of looting and unnecessary use of force were to be expected of these NOPD officers.

It took more than a year after the storm for the NOPD to replace police-related equipment that had been ruined by the storm. In addition, evidence from more than 3,000 criminal cases that was housed in the New Orleans police headquarters and the courthouse was destroyed.

Shelter and Trailer Park Management

As looting activities of Katrina survivors were continuously replayed in news outlets, African

Americans were stereotyped as "criminal" and treated accordingly when they arrived at some of the shelters created to assist the survivors. Housing a large number of people in open areas of a facility not designed for sheltering disaster survivors unavoidably warranted some level of security. However, the level of safety measures and the inconsistency in who faced security screening led many Katrina evacuees to believe these operations were likely based on racially motivated biases. These biases most likely resulted from the numerous harmful rumors spread after Katrina and the preexisting stereotype of African Americans as a group believed to possess violent and otherwise criminal tendencies.

Three of the largest facilities used as shelters were the Superdome, the Astrodome, and the Baton Rouge River Center. The Superdome—referred to by Mayor Nagin as the "refuge of last resort"—is a sports facility in New Orleans that housed up to approximately 30,000 people from a day before the storm until September 3, 2005. The Ernest N. Morial Convention Center in New Orleans was used as an overflow shelter for those who could not get into the Superdome; it housed more than 20,000 people. The Astrodome, a sports stadium in Houston, Texas (350 miles west of New Orleans), housed as many as 27,000 between September 1 and 20, 2005. The Baton Rouge River Center, a multiuse event center, housed more than 5,000 evacuees from the beginning of the storm until mid-October 2005.

The shelter residents were largely African American. The rampant rumors of scores of dead bodies (up to 200) in the Superdome were later found to be greatly overstated. In the end, six deceased individuals were retrieved from the Superdome, none of whom died due to violent acts. Four died of natural causes, one of a drug overdose, and one of an apparent suicide. With regard to the reports of rape, NOPD officers arrested two people for attempted sexual assault. (However, reports of sexual assault or rape are typically underreported, so substantiating rumors of these crimes would not be as accurate as murder, where a body is likely to exist.) Even though the extent of violence that took place in the Superdome was much less than believed, the rumors continued for some time and affected the administration of other shelter facilities.

Entrance into the Baton Rouge and Houston shelter facilities was gained through one or a small number of secured doors. The entrances were controlled by National Guard soldiers, most of whom were men. Each entrant was to pass through a free-standing metal detector and had to have her or his bags physically searched by a National Guard soldier. If an individual continued to trigger the metal detector, she or he was scanned with a hand-held metal detector to deem the entrant was not carrying anything that would be harmful to those inside the shelter (i.e., contraband). It was standard procedure that each National Guard member, dressed in full military uniform, was armed with a rifle, which connected to a strap and was draped over his or her chest or back, and a handgun, which was stored in a hip holster. Trailer parks that had been set up by the Federal Emergency Management Agency (FEMA) had similar security measures in place. The reaction by many African American evacuees was that the National Guard was present to maintain control over African American evacuees, many of whom were from New Orleans. These security procedures elicited multiple references by evacuees that the shelters and trailer parks resembled an incarcerative setting (such as a jail or prison), as opposed to a place to assist lawful citizens who had been displaced from their homes due to a natural disaster.

Correctional Facilities and Disaster Management

An institution that rarely is considered in regard to disaster preparation is the correctional facility. Jails in the areas affected by Hurricane Katrina were not spared from the effects of the storm. In particular, two facilities that faced staggering tales of distress were the Orleans Parish Prison and the Plaquemines Parish Prison, both of which are, technically, county jails (i.e., a facility used to incarcerate offenders for short periods of time and to detain persons suspected of committing crimes until their cases are resolved).

The Orleans Parish Prison (OPP) consisted of 12 buildings located in the downtown New Orleans area known as Mid-City. Prior to Hurricane Katrina, OPP was the eighth largest jail in the United States. New Orleans, prior to Katrina, had

the highest incarceration rate among large cities in the United States, consisting of more than 6,000 inmates. This included the housing of almost 2,000 inmates confined for state prison sentences and over 200 federal detainees, all of whom were housed due to the lack of space in Louisiana state prisons and federal facilities. OPP had been under federal court oversight since 1969 as a result of the case of *Hamilton v. Morial*, where more than 3,000 inmates filed suit against OPP for inadequate conditions of confinement.

Soon after Katrina made landfall, the Orleans Parish sheriff, Marlin Gusman, reported that all inmates had been safely evacuated from the OPP facilities by boat and transported to other jail and prison facilities throughout the state. Weeks after the storm, Sheriff Gusman maintained this statement even though he issued arrest warrants for several fugitive inmates and even though numerous reports were made by inmates and staff that many inmates were abandoned in locked and flooding cells. All evidence made available to date indicates that there was no adequate evacuation plan for OPP facilities in the event of a natural disaster. The Louisiana Department of Corrections (the prison system) offered evacuation assistance to OPP in the days leading up to the storm. However, New Orleans officials refused the assistance, believing they could withstand the impending storm. Further, nearly 2,000 inmates from nearby county jails (i.e., "parish prisons") had been transferred to OPP, assuming the OPP structures were strong enough to withstand any ensuing effects of Katrina.

Thousands of children, men, and women were abandoned in OPP facilities, most of whom were poor, African American pretrial detainees held for minor offenses. Only small amounts of food and drinkable water had been available for the stranded inmates to consume. The OPP facilities lost electrical power soon after Katrina made landfall, leaving the inmates in cells with little ventilation, no sanitation, and nights in complete darkness. The rising water in the cells was contaminated with sewage from nonworking toilets. Inmates remained in the Katrina-flooded facilities for 4 days. Although many OPP workers maintained their posts, inmates later reported that officers from several of the facilities abandoned the inmates during and after the storm. Many inmates took it upon themselves to break free of the flooded cells. Although Sheriff Gusman states that no deaths occurred at OPP during or after the storm, several reports have since been made—by both inmates and officers—depicting escaping inmates being killed by officers who had been ordered to shoot and kill escapees.

After going days without food, water, and other needs, the trapped inmates were rescued over a 3-day period by officers of the Louisiana State Penitentiary in Angola (known as Angola). The rescued inmates remained on a highway overpass anywhere from several hours to several days. While the rescue efforts were welcomed by the trapped inmates, their eventual transfer to state prisons did not necessarily eliminate their concerns. It was not until September 9, 2005, that prison officials received a list of all pre-Katrina OPP inmates with the release dates for those serving jail sentences. However, many inmates whose release dates had passed had not been released. As a result, a group of lawyers volunteered its services to the inmates and filed habeas corpus motions requesting that the courts release the represented inmates or show cause for their continued confinement. Even still, for reasons that have yet to be clarified, not all OPP inmates eligible for release were freed from Department of Corrections confinement.

During the immediate recovery efforts of Katrina, New Orleans public safety officials created a makeshift jail in a bus station to have a place to detain suspected offenders, including those involved in looting, particularly in towns neighboring New Orleans. With approximately 90% of New Orleans evacuated, this effort is reported as having been the first official city function to resume after Katrina made landfall, erected within a week with the assistance of prison inmates and administered by the warden of the Angola prison, Burl Cain. For several days, inmates reportedly were not afforded their civil rights, as they were not allowed to make phone calls or contact attorneys. For those who were herded through the makeshift jail's justice process, mainly for charges of looting, possession of stolen property, and violation of curfew, they were often only offered a choice of continued incarceration in one of the state prison facilities or to plead guilty and perform between 40 and 80 hours of "community service."

Sheriff Gusman began to refill OPP facilities soon after the flooding waned, even though officials had not yet determined if the city and its infrastructure were safe. By spring 2008, five facilities and a number of temporary jails, holding approximately 800 inmates, had been reopened in New Orleans.

Crime Rates in the Aftermath of Katrina

Many cities experienced a significant increase in their residential populations due to mass evacuations before, during, and after Hurricane Katrina. In particular, Baton Rouge, Houston, Dallas, and Atlanta received a large number of survivors. Rumors spread through formal and informal channels increased the fears of many original residents in several evacuation cities. The rumors included tales of murder, looting, and other crimes. Residents in the host cities began to fear for their lives and their property, resulting in a noteworthy increase in gun sales and increased police patrols.

Katrina survivors who were involved in illicit drug markets prior to the storm had little difficulty locating new sources to secure drugs in their relocation sites. In Houston, while evacuee drug users reported that the shelter conditions in the Astrodome were safe and provided for their basic needs, they could easily access illicit drugs in the immediate areas surrounding the temporary shelter. However, as reported by Baton Rouge law enforcement officials, there was initially a concern that drug-related violence might increase as Katrina-evacuated drug sellers attempted to reestablish their enterprises among territories already controlled by existing drug sellers. Although Katrina evacuees committed criminal acts in their relocation cities, it remains unclear as to the extent to which the crime rates have risen, if at all, in these cities and can be attributed to the evacuees.

Hillary Potter

Further Readings

Bates, K. A., & Swan, R. S. (Eds.). (2007). *Through the eye of Katrina: Social justice in the United States*. Durham, NC: Carolina Academic Press.

Brunsma, D. L., Overfelt, D., & Picou, S. J. (Eds.). (2007). *The sociology of Katrina: Perspectives on a modern catastrophe*. Lanham, MD: Rowman & Littlefield.

Dunlap, E., Johnson, B. D., & Morse, E. (2007). Illicit drug markets among New Orleans evacuees before and soon after Hurricane Katrina. *Journal of Drug Issues*, *37*, 981–1006.

National Prison Project and American Civil Liberties Union. (2007). Abandoned and abused: Prisoners in the wake of Hurricane Katrina. *Race and Class*, *49*, 81–92.

Potter, H. (Ed.). (2007). *Racing the storm: Racial implications and lessons learned from Hurricane Katrina*. Lanham, MD: Lexington Books.

Roman, C. G., Irazola, S., & Osborne, J. W. L. (2007, August 28). *After Katrina: Washed away? Justice in New Orleans* (Research report). Washington, DC: Urban Institute, Justice Policy Center. Retrieved September 18, 2008, from http://www.urban.org/UploadedPDF/411530_washed_away.pdf

Sharkey, P. (2007). Survival and death in New Orleans: An empirical look at the human impact of Katrina. *Journal of Black Studies*, *37*, 482–501.

Sommers, S. R., Apfelbaum, E. P., Dukes, K. N., Toosi, N., & Wang, E. J. (2006). Race and media coverage of Hurricane Katrina: Analysis, implications, and future research questions. *Annals of Social Issues and Public Policy*, *6*, 39–55.

Tierney, K., Bevc, C., & Kuligowski, E. (2006). Metaphors matter: Disaster myths, media frames, and their consequences in Hurricane Katrina. *Annals of the American Academy*, *604*, 57–81.

Hypermasculinity

The term *hypermasculinity* is believed to have been established by Ashis Nandy in her writings on colonialism and gender in the 1980s. The term is widely used in the social sciences and has evolved in meaning, but no standard definition exists. At its core, hypermasculinity is an adoption of extreme machismo in males. According to Matt Zaitchik and Donald Mosher, it is an exaggerated form of masculinity, virility, and physicality, as well as a tendency toward disrespecting women. Furthermore, any embrace and exhibition of emotions is feminized as inherently weak. Mosher suggested that three distinct characteristics identify the hypermasculine personality: (1) the view of violence as manly, (2) the perception of danger as exciting and sensational, and (3) callous behavior toward

women and a regard toward emotional displays as feminine. This entry explores the various contexts in which hypermasculinity has been found.

Examples of Hypermasculinity in Film

Clint Eastwood's character in the films *The Outlaw Josey Wales* (1976) and *A Fist Full of Dollars* (1964) was a strong, silent man who exhibited no emotion as he dispatches his enemies. In addition, the films depicted an extremely feminine or hyperfeminine female lead character who supported the Eastwood characters. This is referred to as encouraging hypermasculinity through women who prefer strong, silent, emotionless men.

In the early 1970s, martial arts films starring the Asian American actor Bruce Lee became popular within the United States. Lee's characters often demonstrated a sense of emotion only during fight scenes. The animalistic sounds and his going berserk on anyone who exacted a blow that drew blood are examples of hypermasculinity.

D. W. Griffith's 1915 film *The Birth of a Nation* was one the first of its genre to depict both Black and White male characters in a hypermasculine context. The theme was based on Thomas Dixon's novel *The Clansman* in which the post–Civil War remnants of Southern leaders invoked the spirits of their ancestry, the "clansmen" of old Scotland. The film depicted Black males as sexually aggressive and criminal. Collectively these images were presented as the Black male rapist and Black politicians who committed larceny against the government. In contrast, the "Invisible Empire" of the Ku Klux Klan was created to combat the breakdown of law and order to which Black male criminality contributed, to restore the chastity of Southern womanhood, and to save the South from tyranny. The Klansman, dressed in White with his face covered so as to not display any emotions, is depicted as the hero.

Historically, overexaggerated male behavior was often considered countercultural and primarily applied to the prowess of African American males. Examples of such characteristics in Hollywood films are evident in the 1970s blaxploitation era of the Shaft and Superfly film series.

Hypermasculinity and Newer Forms of Communication

Today socialization occurs on a broader scale via the media with assistance of rapid technological advancements of cell phones, PDA (personal digital assistant) devices, Internet access, and cable satellite television. Such sources provide unfiltered exposure to images of hypermasculinity. Although some researchers hold that socialization is the primary contributor toward the development of hypermasculinity, these media images may also contribute to the emergence of hypermasculine traits. Thus, the fact that African Americans view television more than any other racial groups may be significant in understanding the origins of hypermasculinity among Blacks.

Hypermasculinity and Hip Hop

The commercial mainstream hip hop entertainment arena presents one of the most exaggerated forms of masculine behavior. It has become the current medium that portrays criminal prowess as a cultural embrace of criminality by African American youth and thus forms a "rite of passage" toward Black male authenticity. Black women are seen as licentious, sexual "props" on a video set, while Black men are depicted as virile, self-absorbed, superphysical, and anti-intellectual. Within this context, men seeking intellectual development are rejected and feminized.

Hypermasculinity and Marketing Strategies

Commercial marketers are among the biggest promoters of hypermasculinity. For example, the late rappers Tupac Shakur and Biggie Smalls served primary roles in fostering the "East Coast versus West Coast" hip hop rivalry during the 1990s. This rivalry was based on the perpetuation of hypermasculine thug images. Furthermore, rapper 50 Cent's commercialized marketing campaign included being promoted as a "gangsta." This strategy included marketing the fact that he had been shot nine times and survived.

Hypermasculinity and Loyalty

Although the concept of loyalty to colleagues exists across class, gender, and racial lines, it is more pervasive and promoted by males within the hip hop community. Violating loyalty can often result in retaliation or, in worst-case scenarios, being killed. For example, female rapper Lil' Kim was awarded a reality television program titled *Countdown to Lockdown*, which aired on the Black Entertainment Television network. The show followed her daily life as she prepared to enter a federal correctional facility. She was convicted of lying to a federal grand jury to protect associates involved in a 2001 shootout outside a Manhattan radio station, fined $50,000, and required to serve a year and a day in prison. Upon her release from prison, she held a press conference outside of the correctional facility. Lil' Kim's actions demonstrate hypermasculine characteristics—more specifically, her willingness to show no emotion, endure incarceration, and maintain the social construct reinforcing credibility (e.g., "street cred") through the current "stop the snitching" phenomenon.

Conclusion

Existing research shows that social conditions in depressed communities combined with exposure to television violence increase the likelihood that conflicts will result in violence. This is especially the case when television and video games are the stimuli. In the case of Black males, these conditions and stimuli, as highlighted throughout this entry, result in an overactive hypersexual and hypermasculine super ego.

Ronald O. Craig

See also **Stop Snitching Campaign**

Further Readings

Maybach, K. L., & Gold, S. R. (1994). Hyperfemininity and attraction to macho and non-macho men. *Journal of Sex Research*, *31*(2), 91–98.

Rome, D. (2004). *Black demons: The media's depiction of the African American male criminal stereotypes*. Westport, CT: Praeger.

Scharrer E. (2005). Hypermasculinity, aggression, and television: An experiment. *Media Psychology*, *7*, 353–376.

Spencer, M., Fegley. S., Harpalani, V., & Seaton, G. (2004). Understanding hypermasculinity in context: A theory-driven analysis of urban adolescent males: Coping responses. *Research in Human Development*, *1*, 229–257.

Wilson, A. (1990). *Black on Black violence: The psychodynamics of Black self-annihilation in service of White domination*. New York: African World Infosystems.

Zaitchik, M., & Mosher, D. L. (1993). Criminal justice implications of the macho personality constellation. *Criminal Justice and Behavior*, *20*, 227–239.

ILLINOIS V. WARDLOW

One of the freedoms guaranteed under the Fourth Amendment is the right "to be secure . . . against unreasonable searches and seizures," and Americans expect the government to enforce this right. *Illinois v. Wardlow* raised the question of whether police violated this Fourth Amendment right in stopping a man as he ran from police in an area known for high rates of narcotics trafficking and other crime. The U.S. Supreme Court held that the nature of the surroundings and the suspect's "unprovoked flight" created reasonable suspicion that justified the police in making an investigatory stop (*Illinois v. Wardlow*, 2000).

Facts of the Case

William "Sam" Wardlow was standing next to a building on West Van Buren in a part of Chicago known for high crime and narcotics trafficking. When entering the area, the police "anticipated encountering a large number of people . . . including drug customers and individuals serving as lookouts." As four police cars entered the area and passed Wardlow, an officer in the last car made eye contact with Wardlow and observed him holding a white, opaque bag. When the last car had passed, Wardlow turned and ran from this area. Wardlow's flight in the presence of police cars made the officers suspicious. They intercepted him and conducted an investigative stop. For their safety, one of the officers immediately performed a pat-down for weapons, based on his past experience that weapons were likely to be present during drug trafficking. (A pat-down involves the touching of a person's outer clothing, including any packages that the person is holding, to determine if that person is armed. The U.S. Supreme Court had held in the 1968 case of *Terry v. Ohio* that such an action is permitted to ensure an officer's safety during an investigative stop.) An officer took the bag that Wardlow was holding and, without opening the container, felt what appeared to be a handgun. A handgun was subsequently removed from the bag, and Wardlow was arrested.

At the trial, Wardlow's counsel moved to suppress the handgun as the fruit of an illegal search that violated the defendant's Fourth Amendment rights. The Illinois court denied the suppression motion, and Wardlow was convicted of the unlawful use of a weapon. The Illinois Court of Appeals reversed the trial court, and its decision was upheld by the Illinois Supreme Court. The case was then appealed to the U.S. Supreme Court, which granted a writ of certiorari.

The Issues

The U.S. Supreme Court's ruling in *Terry v. Ohio* (1968) established that police may conduct a brief investigatory stop of an individual when there is "reasonable, articulable suspicion of criminal activity." This must be more than a "hunch." In *United States v. Sokolow* (1999), the Court also

noted that the Fourth Amendment requires a minimal level of objective justification—reasonable suspicion—for making an investigative stop. While a person's mere presence in a high-crime area alone is not sufficient for reasonable suspicion, the Court in *Brown v. Texas* (1979) held that police officers could look to the totality of the circumstances, including a high-crime area (*Adams v. Williams*, 1972) and nervous, evasive behavior (*United States v. Brignoni-Ponce*, 1975), in order to develop reasonable suspicion of criminal activity. In the case of *Michigan v. Chesternut* (1988), the court noted that police officers' "investigatory pursuit" of a fleeing suspect did not constitute a seizure. Determining reasonable suspicion is based on "commonsense judgments and inferences about human behavior" (*United States v. Cortez*, 1981).

The Decision

The Illinois Supreme Court had held that sudden flight in a high-crime area does not create a reasonable suspicion justifying an investigative stop of the sort authorized by *Terry*. It also had rejected the argument that flight combined with the fact that it occurred in a high-crime area supported a finding of reasonable suspicion because the "high-crime area" factor was not sufficient standing alone to justify a *Terry* stop. Finding no independently suspicious circumstances to support an investigatory detention, the Illinois court held that the stop and subsequent arrest violated the Fourth Amendment (*Illinois v. Wardlow*, 2000).

In rejecting the Illinois Supreme Court ruling, the U.S. Supreme Court found that the police had reasonable suspicion to stop Wardlow. It noted that the officers, based upon their experience, were "justified in suspecting that Wardlow was involved in criminal activity, and . . . investigating further" (*Illinois v. Wardlow*, 2000). The Court determined that Wardlow was doing more than freely walking through an area. His flight created a suspicion of criminal activity in the eyes of the experienced law enforcement officers. A pat-down for weapons was appropriate under the circumstances, and the discovery of the weapon was legal. The stop by the officers did not constitute a violation of Wardlow's Fourth Amendment rights.

Keith Gregory Logan

See also Drug Dealers; *Terry v. Ohio*; *United States v. Wheeler*

Further Readings

Adams v. Williams, 407 U.S. 143 (1972).
Brown v. Texas, 443 U.S. 47 (1979).
Darmer, M. K. B., Baird, R. M., & Rosenbaum, S. E. (Eds.). (2004). *Civil liberties vs. national security in a post-9/11 world*. Amherst, NY: Prometheus Books.
Illinois v. Wardlow, 528 U.S. 119 (2000).
Michigan v. Chesternut, 486 U.S. 567 (1988).
Terry v. Ohio, 392 U.S. 1 (1968).
United States v. Brignoni-Ponce, 422 U.S. 873 (1975).
United States v. Cortez, 449 U.S. 411 (1981).
United States v. Sokolow, 490 U.S. 1 (1999).

Immigrants and Crime

In the American imagination, immigrants and criminal activity are linked. The social reality of immigrant involvement with crime is actually mixed. First, one needs to consider whether crime unrelated to immigrant status (ranging from shoplifting to homicide) is the type of act being considered. Second, one has to decide whether entrance into the United States without required documents should be considered different from other civil and criminal offenses. Finally, there are visitors who legally enter the United States and then "overstay" their visas, thus becoming undocumented and illegal residents. When considering the criminality of immigrants, a differentiation needs to be made between traditional crime and crimes involving national sovereignty. The government classifies the first entry by an undocumented migrant as a civil violation. A second attempt is a felony offense. This entry provides an overview of the critical issues related to the immigration and crime debate.

Undocumented Entry and Deportation

Current estimates are that there are 10 million to 12 million undocumented immigrants in the U.S. population. Politicians, government administrators, and media accounts often refer to

undocumented entrants as criminals; for both undocumented immigrants and legal immigrants with temporary or permanent resident status, the desire to avoid deportation is a strong motivation to avoid committing crime. Even legal immigrants lack the full rights of citizens and are subject to deportation if they commit a type of crime designated as an aggravated felony. Since the beginning of the War on Drugs, federal legislation successively and retroactively designated a series of offenses as grounds for "institutional removal." Institutional removal involves deportation upon completion of a sentence. Even a misdemeanor charge of shoplifting has been made grounds for removal. Commission of an aggravated felony carries a collateral civil penalty of deportation for noncitizens. The right to due process is suspended for noncitizens. The two terrorist attacks on the World Trade Center are connected to designation of new aggravated felonies by federal law, increased incarceration, and then deportation of both legal and undocumented noncitizen residents.

Federal Imprisonment

Statistics released by the U.S. Government Accountability Office (2005b) show that "criminal alien" imprisonment has moved steadily upward. In 1991, 14,475 immigrants were ordered removed as compared to 42,000 in 2001. In 2004, 49,000 were deported.

According to John Scalia and Marika Litras, from 1985 to 2000, two thirds of the growth in the federal prison population were noncitizens. Government Accountability Office figures indicate that by 2003, immigration offenses were the cause of 68% of federal criminal alien convictions (2005a). In 2003, 24% of criminal aliens were charged with drug-related crimes, and less than 5% were convicted of violent crimes (2005a). In other words, immigration offenses are the predominant cause of federal incarceration.

Traditional Crime

Rubén Rumbaut and colleagues (2006a, 2006b) used 2000 U.S. Census data to establish that immigrants have a lower crime rate than people born in the United States. In the United States, the prototypical arrestee has a low level of education, is aged 18 to 39, and is of minority background. The youthfulness of the immigrant population predicts a higher crime rate, particularly among Mexicans. In fact, 3.51% of the U.S.-born population was incarcerated as compared to less than 1% (0.86%) of the foreign-born population (Rumbaut et al., 2006a, 2006b). Non-Hispanic Whites have higher crime rates than first-generation Latin American, Asian, or other immigrants. This statistic includes Puerto Ricans, who are U.S. citizens. When Puerto Ricans are excluded from the analysis, only 0.68% of all immigrants have been convicted and incarcerated for a crime. It is important to consider that Salvadoreans/Guatemalans (0.52%) and Mexicans (0.70%) have the lowest level of education and the lowest rate of incarceration—atypical when compared to education level of other inmates. First-generation Mexicans and other Latin American immigrants are often stigmatized as a criminal element by the media.

Underreporting of Immigrant Victimization

One factor that affects immigrant group crime rates is unwillingness to deal with the police. The desire to avoid deportation gives immigrants a motive not only to avoid committing crime but also to avoid reporting criminal victimization. Immigrants can fear personal, family, or acquaintance deportation or retaliation by the criminal or their friends or family. Immigrants may also believe that individual problems should not be known outside of the family. Less well understood is the fact that bad experiences with corrupt police in immigrants' countries of origin can carry over to fear of U.S. police officers. The result is that immigrant crime victimization is underreported; but because immigrants are motivated to avoid criminal acts, this is likely to have only a tiny influence on the crime rate.

1.5- and Second-Generation Gang-Related Delinquency and Crime

Criminality is more likely to be expressed by the 1.5-generation (foreign-born children and adolescents) and the second generation born to

immigrant parents. Second-generation children are sandwiched between the parent's traditional culture and exposure to Americanization. For youth in impoverished areas with underfunded public schools, the gang can represent a status-gaining alternative to academic achievement, a source of protection, and a source of exposure to criminal activities and recruitment. This implies that, as a host society, the United States does a poor job of culturally and economically assimilating poverty background immigrant youth. Carl Horowitz refers to the increased crime rate in the second generation as the "echo effect." High birth rates in low-income immigrant groups are connected to the echo effect.

The post-1965 new immigrant population is very diverse in national origins, and second-generation crime varies according to the social characteristics of these groups.

Rumbaut et al. (2006a, 2006b) found that only the second and later generations of the following ethnicities had a higher percentage of criminal conviction than the native-born percentage (3.51%): Laotians and Cambodians (7.26%), Mexicans (5.9%), Vietnamese (5.6%), Puerto Ricans (5.37%), Cubans (4.20%), and Dominicans (3.71%).

In the United States, lack of a high school degree is a strong predictor of criminality. Dropouts (6.91%) have higher incarceration rates than high school graduates (2.0%). Nevertheless, native-born high school dropouts are at much greater risk of imprisonment (9.76%) when compared to immigrants who did not receive a high school education (1.31%).

Regardless of ethnicity, being native-born is a stronger predictor of criminality than is immigrant status. Rumbaut and colleagues consider that Americanization involves being exposed to divergent norms and consumer culture. Second-generation youth experiencing educational difficulty and the consequent lack of social mobility may be motivated to commit acts of delinquency and then crime.

Theories of Intergenerational Crime Among Immigrant Groups

Social Disorganization Theory

Robert Sampson has used social disorganization theory to predict crime in high-poverty neighborhoods. This theory predicts higher crime rates in high-poverty neighborhoods with a younger population. Nevertheless, research indicates that immigrant neighborhoods have similar or lower rates of crime when compared to similar nonimmigrant areas. Ramiro Martinez and several colleagues believe that immigrants revitalize deteriorating neighborhoods and exercise informal social control that would produce or prevent crime. The first generation's ability to adapt to poverty and desire to succeed in this society are strong.

Segmented Assimilation Theory

Ramiro Martinez and his colleagues found that, in San Diego and Miami, Latina/o crime did increase in the second generation when the process called segmented assimilation was occurring. Segmented assimilation refers to an inability to become socially mobile due to a lack of economic opportunity while undergoing a process of cultural assimilation to American society. It refers to a process of assimilation in which national origin immigrant groups vary in degree of human capital. Assimilation is segmented because immigrant groups entering with more education, assets, and social ties will be better able to achieve social mobility than will immigrant groups struggling at the bottom.

For example, research shows that impoverished neighborhoods with more young Mexican male immigrants who lack education have a higher incidence of drug-related homicides. Yet Martinez and his colleagues indicated that economic conditions may be the strongest predictor of drug-related homicide. One reason is that drug-related homicide rates were lower in San Diego neighborhoods in which Mexican families were poor yet had jobs. This acted as a buffer against crime.

Another aspect of segmented assimilation theory is the prediction that some immigrant parents arriving with a low level of education will experience conflict with their children as the children adopt American values. The traditional cultures of these ethnic groups extend discipline to prevent the delinquency of Asian immigrant youth. The differences between traditional ethnic culture and American norms create friction and misunderstanding between Asian parents and their children.

For example, Laotian parents use harsh discipline, and their children can see that American discipline is more lenient. Misunderstandings between parents and children contribute to problems in dealing with youth–police interactions.

Similarly, Mexican immigrants practicing traditional views experience similar conflict with their children. However, marginalization and discrimination against this population, approximately half of whom are undocumented, lead to a situation in which parents are not likely to cooperate with police because they do not see them as helpful allies. Parents fear that Mexican youth in trouble will be stereotyped as delinquents and future criminals (Waters).

The process of segmented assimilation is connected to poor schooling outcomes and consequent lack of opportunity. Rumbaut et al. indicate that a series of social factors are associated with immigrant crime across the generations. Risk factors include having a single parent, having a low grade point average, experiencing a series of school suspensions, experiencing physical threat or being invited to use drugs on more than two occasions in high school, and not obtaining a high school degree. Initial acts of delinquency include school fights that cause injury, attempt or threat to fight, being defiant toward school authority or causing class disruption, perpetrating property damage, and possessing weapons. Basically, school failure is connected to attempts to achieve through crime which leads to the second failure: imprisonment.

Organized Crime

One consequence of restricted economic opportunity among certain immigrant nationalities has been the evolution of certain gangs into transnational crime organizations. According to Jim Fickenauer and Jay Albanese, globalization has fostered organized immigrant crime groups connected to drug and human trafficking. These groups include the Russian Mafia, the Mexican Mafia, the Central American Mara Salvatrucha (MS-13), the Chinese Fuk Ching, and international drug cartels such as the Mexican Arellano-Felix and Carrillo Fuentes organizations.

Organized criminal activities include forced prostitution, smuggling, and money laundering. Crossing a border is one way of escaping prosecution that has been used by serious offenders and organized criminals connected to drug and human trafficking. Deportation of organized criminals to their homeland is often ineffective because trafficking organizations can help them quickly return.

Conclusion

In the media, news about conflict creates interest. News about exceptional crimes, such as those of serial murderer Rafael Resendez, stories about migrants attempting border crossings, fears about terrorist entry, and stories about the cost of incarcerating undocumented migrants scare the public. The fact that the United States has the highest imprisonment rate in the world, primarily the native-born, is not emphasized. News stories sympathetic to immigrants are few. As a result, it is not surprising that American citizens fear an immigrant crime wave and want immigration reform.

Conservatives suggest that limiting immigration based on family reunification and encouraging skilled professional entrants can prevent the 1.5- and second-generation delinquency and crime problem. Alienated youth gangs would be prevented from forming. Because of undocumented immigrants, both border security and visa-overstay tracking would need to be improved. The costs of policing and incarcerating delinquent populations that develop due to blocked social mobility would be an issue in considering immigration reform.

A liberal interpretation would advocate improving public education and economic opportunities in the inner-city neighborhoods so that the experience of 1.5- and second-generation youth would lead to their becoming better integrated into U.S. society. Although the employers who hire undocumented immigrants and promote mass immigration are seldom highlighted, these employment practices are a major cause of the post-1965 immigrant wave.

Judith Ann Warner

See also Delinquency Prevention; Family and Delinquency; Immigration Legislation; Immigration Policy

Further Readings

Horowitz, C. (2001). *An examination of U.S. immigration policy and serious crime*. Washington, DC: Center for Immigration Studies.

Martinez, R., Jr., Lee, M. T., & Nielsen, A. L. (2004). Segmented assimilation, local context and determinants of drug violence in Miami and San Diego: Does ethnicity and immigration matter? *International Migration Review*, *38*(1), 131–157.

Menjivar, C., & Bejarano, C. (2004). Latino immigrants' perceptions of crime and police authorities. *Ethnic and Racial Studies, 27*(1), 120–148.

Rumbaut, R., Gonzales, R. G., Komaie, G., & Morgan, C. V. (2006a). *Debunking the myth of immigrant criminality: Imprisonment among first- and second-generation young men*. Retrieved from http://www.migrationinformation.org/USfocus/display.cfm?ID=403

Rumbaut, R., Gonzales, R. G., Komaie, G., Morgan, C. V., & Tafoya-Estrada, R. (2006b). Immigration and incarceration: Patterns and predictors of imprisonment among first- and second-generation young adults. In R. Martinez, Jr., & A. Valenzuela (Eds.), *Immigration and crime: Race, ethnicity and violence* (pp. 64–89). New York: New York University Press.

Sampson, R. J., Raudenbush, S. W., & Earls, F. (1997). Neighborhoods and violent crime: A multilevel study of collective efficacy. *Science*, *277*, 918–924.

Scalia, J., & Litras, M. F. X. (2002). *Immigration offenders in the federal criminal justice system, 2000* (Report No. NCJ 191745). Retrieved from Bureau of Justice Statistics: http://www.ojp.usdoj.gov/bjs/abstract/iofcjs00.htm

U.S. Government Accountability Office. (2005a). *Information on certain illegal aliens arrested in the United States* (Report No. GAO-05-646R). Retrieved from http://www.gao.gov/new.items/d05646r.pdf

U.S. Government Accounting Office. (2005b). *Information on criminal aliens incarcerated in federal and state prisons and local jails* (Report No. GAO-05-337R). Retrieved from http://www.gao.gov/new.items/d05337r.pdf

Waters, T. (1999). *Crime and immigrant youth*. Thousand Oaks, CA: Sage.

Immigration Legislation

Categories of racial difference have always been important in the regulation of immigration. Racial distinctions can no longer be found in the legislation itself, but they live on in its administration. This entry considers the evolution of immigration policy, including refugee policy, and its political and practical impact. The openness of the United States to both legal and illegal immigration has produced a backlash that has significant implications for the quality of life of citizens and noncitizens who are perceived to be immigrants.

Race as a Criterion of Membership

During the first century of its existence, the United States paid little heed to who entered the country. The issue was who would be entitled to citizenship through "naturalization." A 1790 law set a uniform residence requirement and also specified that only "free White persons" could be naturalized, a restriction that stayed in place, remarkably, until 1952 when the McCarren-Walter Act finally swept it away. Decades of jurisprudence interpreting the "Whiteness" requirement were suddenly moot.

Congress began to take piecemeal steps toward immigration regulation in 1819, with the adoption of federal reporting rules. No one was excluded until 1875, when prostitutes and convicts were barred. The excluded categories expanded in 1882 to include "lunatics," "idiots," and "those likely to become a public charge." Race also became a ground for exclusion in the aptly named Chinese Exclusion Acts of 1882 and 1888. Approximately 110,000 Chinese laborers entered the United States between 1850 and 1882 to do the arduous work of building the nation's railroads and developing its mines. However, once this work was completed, Chinese immigration was no longer seen as desirable.

Racism was a defining feature of the debate over Chinese labor. Whites in the western states made their views known with riots that destroyed Chinese homes and businesses and through discriminatory legislation. California and other western states lobbied vigorously for the Chinese Exclusion Acts. They found a receptive audience in Congress, whose members spoke of these residents as "locusts," "rats," "flies," and "leeches" in debating the bill. Race-based restrictions on Chinese, Indian, and other Asian immigration survived until 1943. The Japanese were also unwelcome. A 1907

"Gentleman's Agreement" severely limited their immigration.

During this period of increasing restrictions and racialized criteria for entry, the U.S. federal government was creating a bureaucratic apparatus to carry out its laws, including the power to deport persons already present. Congress enacted a series of national quota laws in the 1920s, limiting admissions for each nationality based on the proportion already in the United States. This system helped to maintain the nation's White, northern European character. In 1952 Congress limited immigration from the eastern hemisphere, leaving the western hemisphere unrestricted. The Senate Judiciary Committee claimed that it was not "giving credence to any theory of Nordic superiority" but was developing "a rational and logical" means to "best preserve the sociological and cultural balance of the United States."

The need for agricultural workers in the Southwest, however, necessitated exempting Mexicans from the federal quota system. These workers entered the United States in large numbers, legally and illegally, during the prosperous 1920s. Local laws segregated them from Anglo residents, and employers paid them a lower, "Mexican" wage. Their right to remain in their ancestral homeland was never secure. When hard times hit in the Depression, they were forcibly repatriated. It was a system of "imported colonialism" arising out of Mexico's subordinated relationship to the United States.

The government put a federal stamp of approval on this exploitative relationship in 1942, when it signed a bilateral agreement with Mexico establishing the bracero program, which provided for guest workers from Mexico. This program displayed the disadvantages characteristic of such guest worker agreements: harsh admission procedures, poor working conditions, and vulnerability caused by the constant possibility of deportation. The United States ended the program in 1964 when mechanization had reduced the need for Mexican labor.

At no time during this period was there an expectation that the Mexicans who labored in the United States would become citizens. Their status as cheap, exploitable labor was clear when the government undertook Operation Wetback in 1954, unceremoniously deporting over 1 million undocumented Mexican workers and some U.S. citizens. Congress could take such drastic action without fear of a lawsuit from these displaced people because the Supreme Court had ruled a few decades earlier that Congress has sovereign, undisputable, unreviewable power in matters of immigration. The plenary power doctrine, established in a series of cases challenging the exclusion of Chinese laborers, has been much criticized but still has significant sway in immigration cases.

Refugees

The government's approach to political refugees has followed a much different trajectory. The United States was, at first, slow to get involved in accepting refugees, refusing even to take significant numbers of European Jews fleeing the Nazi regime. But in 1948, 400,000 eastern Europeans were invited to the United States as refugees. In 1957 the United States offered special status to refugees fleeing communist countries. Seeking refuge because of war and escaping persecution in communist countries have remained grounds for admission. The United States accepted 700,000 anti-Castro Cubans, for example, between 1960 and 1980. The fall of Vietnam and Cambodia to communism brought more than 400,000 Indochinese refugees. Victims of persecution in "friendly" regimes, however, have great difficulty getting refugee status. The flow of refugees has been slowed in recent years by the passage of the USA PATRIOT Act.

Race Recedes as a Criterion for Admission

The United States finally abandoned its effort to control admission on the basis of national origin with the Immigration and Nationality Act of 1965, also know as the Hart-Celler Act. Although this legislation created a slightly higher ceiling on admissions of 290,000 people annually, it still differentiated between the eastern and western hemispheres. Eastern-hemisphere nations could send no more than 20,000 people per year. The new rules favored family reunification, permanent resident aliens with needed occupational skills, and refugees. With this change, the number of Asian, Mexican, and Latin American admissions began

to increase dramatically. Refugee admissions also began to increase when the United States adopted the UN definition of *refugee* and put refugees in a separate category from other immigrants.

The trend toward more generous admissions that began in the 1960s continues, despite growing public resentment. The 1986 Immigration Reform and Control Act granted permanent residence to nearly 3 million undocumented residents who had lived in the United States since 1982. This law initiated a temporary agricultural worker program that allowed some farm workers to opt for citizenship. Discrimination against immigrants was forbidden, with a Justice Department agency set up to enforce this stricture. The quid pro quo was supposed to be new controls on undocumented immigration. Employers were required to check immigration status upon hiring. Part of the responsibility for enforcing immigration laws had, for the first time, been shifted to the private sector.

Immigration quotas have continued to be adjusted upward, based on both expert analysis that it is in the national interest and lobbying by a strong coalition of free-market conservatives, cosmopolitan liberals, and, more recently, interested ethnic groups. In 2006, more than 1.2 million immigrants were granted legal residence in the United States.

Congress dealt with public resentment against increasing numbers of immigrants by limiting their rights rather than their numbers. The Personal Responsibility Act and the Illegal Immigration Reform and Individual Responsibility Act, both adopted in 1996, limited access of noncitizens to welfare benefits, strengthened border enforcement, and expedited deportations. This was the first time the United States had limited the rights of legal resident aliens and subjected them to deportation for minor criminal offenses that may have occurred years before. The government was also moving toward an enforcement-based approach to immigration control. The border with Mexico was the focus of almost all of the attention, which included authorization of a 140-mile fence and funds for fingerprinting apprehended aliens.

Unauthorized Immigration

Unauthorized immigration is a long-standing pattern in the United States. According to the Office of Immigration Statistics, an estimated 11.8 million unauthorized residents were living in the United States in January 2007, an increase of nearly 40% from 2000. That number is likely to increase, despite recent efforts to reduce undocumented immigration through vigorous enforcement. An estimated 7 million of these residents were born in Mexico.

About 60% of these immigrants crossed a land border to the United States without authorization. The remainder entered legally with visas that subsequently expired. Unauthorized immigration is generally a poor peoples' phenomenon, reflecting the huge inequities in wealth between the global north and the poorer south. These immigrants are responding to America's enormous appetite for cheap labor. Strict limits on legal admissions from Latin America indirectly encourage undocumented immigration, which leads to increased rates of deportation.

Weak constraints on employers facilitate undocumented immigration. Industry groups successfully lobbied Congress to water down the employer sanctions provisions of the 1986 Immigration Relief and Control Act, which remains in effect. The industries that are organized around low-wage work remain committed to keeping borders as open as possible.

The new emphasis on enforcement at the border and in the workplace has increased the rate of expulsions somewhat, but the more significant impact may be increased levels of surveillance of all persons who look "foreign." Because Mexicans constitute over half of the undocumented population in the United States, and because of long-standing prejudice, the issue has been defined in the media, and even in the law, as a Mexican problem. "Hispanic appearance" has been authorized by the Supreme Court as a relevant ground for stops to ascertain immigration status. Hispanic appearance is not supposed to be the sole criterion, but complaints suggest that it often operates that way. This problem occurs not only at the border but also throughout the United States, as local police increasingly work with federal immigration-control officials to expel unauthorized aliens. The 44 million people of Hispanic ancestry who live lawfully in the United States, 15% of the population, are thus affected on a regular basis by current U.S. immigration legislation.

Beliefs about race and ethnicity are also implicated in the methods used to intercept would-be immigrants. Walls have been constructed in California and Texas that deflect people to dangerous desert crossings. Desperate Haitians are being intercepted on the high seas and forcibly returned to their dangerous homeland.

Unauthorized immigration and the federal government's inability to control it have spawned a grassroots anti-immigration movement across the United States. Cities, towns, and many states are enacting laws to deflect undocumented immigrants from their jurisdictions. They are following the early example of California, which adopted Proposition 187 by large margins in 1994. The idea was to deny a broad range of public services to people who could not prove their legal status. A court found the law unconstitutional, but it has nevertheless inspired other communities to follow California's example. Some communities, in addition to cutting off services, are directing their local police force to probe the immigration status of persons suspected of being undocumented immigrants. These developments create new opportunities for mistaken identification, racially based harassment, and strained relations among ethnic and racial groups.

Conclusion

Race will continue to be part of immigration law for the foreseeable future. The long-standing association of Mexicans with undocumented immigration and the criminalization of this status help perpetuate racial stereotypes and encourage racial profiling by police and immigration authorities. Muslims in the United States now face some of the same problems because of fear of terrorism. The cycle becomes self-perpetuating as public attitudes are shaped by racialized law-enforcement priorities and whole populations are placed under suspicion.

Doris Marie Provine

See also Chinese Exclusion Act; Deportation; Immigrants and Crime; Institutional Racism; Japanese Internment; Latina/o/s; Operation Wetback; Racism

Further Readings

Calavita, K. (2006). Collisions at the intersection of gender, race, and class: Enforcing the Chinese exclusion laws. *Law & Society Review, 40,* 249–282.

Hattam, V. (2007). *In the shadow of race: Jews, Latinos, and immigrant politics in the United States*. Chicago: University of Chicago Press.

Johnson, K. R. (2004). *The "huddled masses" myth: Immigration and civil rights*. Philadelphia: Temple University Press.

Kanstroom, D. (2007). *Deportation nation: Outsiders in American history*. Cambridge, MA: Harvard University Press.

Ngai, M. M. (2004). *Impossible subjects: Illegal aliens and the making of modern America*. Princeton, NJ: Princeton University Press.

Tichenor, D. J. (2002). *Dividing lines: The politics of immigration control in America*. Princeton, NJ: Princeton University Press.

Immigration Policy

Illegal immigration has rapidly become one of the most debated issues in the United States today. Some of the most commonly cited reasons for illegal immigration include war, family reunification, and abject poverty as well as drug and human smuggling. While illegal immigrants to the United States come from many countries, the overwhelming majority come from Mexico, Southeast Asia, and Central America. Various proposals are currently being considered, but all revolve around one central question: To what extent should the United States support or oppose an open borders policy?

Arguments for an Open Borders Policy

Advocates of an open borders policy raise both ethical and economic issues in support of their position. Some open borders (aka free migration) proponents argue that the very concept of the nation-state is archaic and should come to an end. With the advent of high-tech means of travel, rigidly enforced borders unnecessarily impede free migration, thus rendering international travel cumbersome. Moreover, some advocates of open borders believe that Americans simply have no right to refuse access to the land known as the

United States to people from Mexico and Central America. In addition, supporters of open borders also point to the fact that many immigrants are actively participating in the U.S. military.

Another argument made by supporters of open borders is that using law enforcement to guard the southern border should be a low priority given the much greater problems of terrorism, world hunger, homelessness, the national debt, and global warming. They believe that it is unwise to dedicate massive amounts of resources to preventing the immigration of people who simply want to live and work here. In addition, replacing undocumented workers who do not pay income taxes with workers who do would result in immediate increases in revenues in the form of payroll taxes. At the same time, immigrants from poorer nations such as Mexico and elsewhere in Latin America would be able to send funds back to their native lands that would serve as a form of foreign aid. The end result of this would be an improvement in Mexican and Central American economies that would ultimately reduce the number of immigrants who come to the United States simply because they cannot provide for their families in their home countries.

According to supporters, an open borders policy will substantially reduce labor shortages resulting from a declining native-born U.S. birthrate by providing workers for assembly line work, construction, agricultural labor, and the service industry. Further potential benefits of open borders include increased union membership in the United States, as the number of low-wage workers increases, and healthy competition for lower-level jobs.

Others note that an open borders policy would reduce problems associated with illegally smuggling human beings across the border. In addition, open borders remove the need for American citizens to function as informants to assist in identifying undocumented workers and turning them over to federal authorities. Finally, open borders advocates also point to the contributions to American culture made by immigrants who have positive values, such as a strong work ethnic and a sense of community.

Arguments Against Open Borders

Groups opposing an open borders policy make several arguments. A central focus is the economic costs to U.S. taxpayers. For example, opponents of open borders cite data indicating that illegal immigrants are more likely than native-born Americans to carry some communicable diseases, including Chagas, tuberculosis, herpes, and syphilis. Thus, they may present a challenge to the health care system, especially for institutions where the economic resources are limited. A number of hospitals along the southern border of the United States have closed because federal U.S. law prohibits them from turning people away because of lack of insurance and they are unable to meet the demand for care. Critics of open borders also point to the relatively high number of illegal immigrants who have not completed high school and to the costs of public assistance for illegal immigrants on the welfare rolls.

Another concern raised by critics of an open borders policy is the cost of criminal offending by illegal immigrants. Southwestern states in particular struggle with massive expenditures needed for law enforcement and the operation of the criminal justice system. Substantial increases in spending for court personnel (e.g., prosecutors, defense attorneys, judges, clerks) have also strained state and local budgets.

The average cost to house an inmate for 1 year is approximately $24,000. Currently, the Government Accountability Office estimates that there are over 100,000 illegal aliens in federal and state prisons in the United States, at a cost of approximately $1.5 billion per year to the American taxpayer. The average number of arrests for illegal aliens currently in confinement is eight. Critics of open borders policy also note the social costs of violent and property crimes committed by illegal immigrants.

Finally, the anti–open borders lobby argues that illegal immigration has led to a balkanization of American society. They cite research data suggesting that residents of primary source countries of illegal immigrants into the United States harbor negative views of Americans. By extrapolation, they suggest that it will be very difficult to assimilate the tens of millions of poor aliens who come into the United States illegally and that this will exacerbate the problem of social disorganization. This, it is argued, typically weakens the bonds between neighbors and also results in lower participation in voluntary organizations. In sum, it is argued that illegal immigration is leading to a

much weaker sense of community in American neighborhoods, which increases the possibility of street crime.

Enforcement Options to the Illegal Immigration Problem

If the United States ultimately chooses an open borders policy, illegal immigrant enforcement will largely become a moot point. The primary consideration will then be how to prevent entrance by those posing a clear national security threat to the United States. However, in the absence of an open borders policy, several approaches to reducing illegal immigration have been advocated.

The Security Fence

The Secure Fence Act of 2006 provides for a multilayered fence along the southern border complete with high-tech ground sensors, unmanned aircraft, and the use of Cyclops (manned towers using infrared to detect heat). Supporters of the fence note that in the areas where the fence has been completed, illegal alien crossings have been significantly reduced.

Elimination of Incentives for Illegal Immigration

One proposal to reduce incentives for illegal immigration is a national ban on welfare payments (e.g., free medical care, cash payments, food stamps) to illegal immigrants. Other opponents of open borders have proposed a change in the policy under which all children born in the United States are U.S. citizens. These advocates of border security argue that this change would not require a constitutional amendment but simply a reinterpretation by the federal courts so that only children born to individuals in the United States legally would be granted automatic citizenship.

Enhanced sanctions for U.S. employers who continually hire illegal aliens also are a consideration. This would require substantial funding increases for personnel assigned to this task. Most currently discussed plans include a $10,000 fine for the first offense of hiring an illegal alien, $30,000 for the second offense, and the loss of a business charter for the third offense. It is argued that this would lead to voluntary repatriation of illegal aliens to their countries of origin. The recently passed REAL ID program, which calls for a national ID card for all American citizens, may improve the government's ability to identify illegal aliens working in the United States by streamlining the process of examining citizenship status. This program is set to go into effect in December 2009.

Sanctuary City Policies

A sanctuary city is a city where local police are prohibited from asking suspects about their immigration status. This policy is based on the reasoning that illegal aliens will be more likely to report crime to the police if they are not afraid of being deported. Opponents of open borders, however, argue that sanctuary cities serve as magnets for illegal aliens because they are essentially granted immunity from prosecution. Some advocates of strict immigration laws propose that government withhold federal funds for various projects (e.g., roads, bridges, education, police) for any city or state deemed to be in violation of the ban on sanctuary cities. Some also suggest that local and state police officers be deputized to be allowed to enforce federal immigration laws, as is the case in Canada.

Billy Long

See also Immigrants and Crime; Immigration Legislation; Latina/o/s; Race Card, Playing the

Further Readings

Hayworth, J. (2006). *Illegal immigration, border security and the War on Terror*. Washington, DC: Regnery.

Tarver, M. (2002). *Multicultural issues in the criminal justice system*. Boston: Allyn & Bacon.

U.S. Government Accountability Office. (2005). *Information on certain illegal aliens arrested in the United States* (Report No. GAO-05-646R). Retrieved from http://www.gao.gov/new.items/d05646r.pdf

Indian Civil Rights Act

The Indian Civil Rights Act (ICRA), enacted by Congress in 1968, is federal legislation that

transfers key provisions of the Bill of Rights to criminal justice processes that occur in Indian Country. This legislation is important in the study of race and crime because it ensures due process to defendants in tribal justice systems. This entry describes the ICRA, its impact in Indian Country, and strengths and weaknesses of the legislation.

For more than a century, the protections in the Bill of Rights were viewed as governing only federal prosecutions. Just as its provisions had to be extended to the states through the process of selective incorporation, the rights included in the Bill of Rights were not automatic for individuals on tribal lands. The logic was that tribal governments were not governed by the U.S. Constitution because they had entered into treaty relations with the United States prior to the adoption of the Constitution and Bill of Rights, so they did not participate in the ratification process, and the later Fourteenth Amendment's due process clause did not apply to tribal governments. In *Talton v. Mayes* (1896), a Native American defendant on trial in Cherokee territory challenged the number of grand jurors on his indictment and other issues of trial fairness as insufficient under the Constitution (specifically the Fifth Amendment), but the U.S. Supreme Court ruled that he was not entitled to relief, saying, "as the powers of local self-government enjoyed by the Cherokee Nation existed prior to the constitution, they are not operated upon by the fifth amendment, which, as we have said, had for its sole object to control the powers conferred by the constitution on the national government" (p. 384).

The passage of ICRA by Congress occurred in the same general time period as the "due process revolution" in the 1960s, when the U.S. Supreme Court handed down a series of rulings mandating that protections in the Bill of Rights apply to investigations and prosecutions at the state level rather than just in federal proceedings. During the 1960s, complaints about violations of civil rights in general were heard and considered by the Senate Subcommittee on Constitutional Rights, and that committee conducted a series of hearings specifically devoted to tribal justice. The result of those hearings was ICRA, which imposed most of the provisions of the Bill of Rights on tribal governments.

Bill of Rights Protections Mandated by ICRA

The Bill of Rights protections mandated by ICRA are among the most cherished rights in American legal history, and those of the First through Eighth Amendments are enumerated in the ICRA with some omissions.

The First Amendment rights to freedom of religion, free speech and press, peaceable assembly, and the ability to petition the government for redress of grievances appear nearly verbatim in ICRA, except for one conspicuous absence. Whereas the U.S. government was enjoined from making laws "respecting an establishment of religion," ICRA omitted this requirement because it was felt that some Native American tribes consider religion to be inseparable from their government and social life ways. So, while tribes cannot deprive citizens of a general freedom of religion, they may have official established religions, which guide their legal and social systems.

The Second Amendment right to bear arms is not guaranteed by ICRA because it was felt that tribes should have the ability to regulate firearms within their reservations. The Third Amendment ban on quartering of soldiers was not included because tribes do not have a professional military that could seek shelter in private homes. Of interest, neither of these amendments was incorporated, meaning they also do not apply to the states.

The Fourth Amendment protection against unreasonable searches, seizures, and warrants sought without probable cause is nearly verbatim from the Bill of Rights and guarantees all these bedrock rights to individuals residing in Indian Country.

The Fifth Amendment protections against double jeopardy and self-incrimination are extended through ICRA in addition to the ban on taking private property for public use without fair compensation, but the clause relating to grand juries in capital or otherwise infamous crimes is not included in ICRA. The grand juries clause has not been incorporated, so it does not apply to the states, either.

The Sixth Amendment provisions for speedy and public trials and those that guarantee defendants the right to confront witnesses against them, compel witnesses to testify in their cases, and to know the charges against them are also part of

ICRA. The Sixth Amendment right to counsel is included in ICRA but specifies that a defendant in Indian Country may have such assistance "at his own expense," meaning that defendants are guaranteed the ability to have an attorney represent their interests, but the government is not obligated to provide an attorney for them. Some scholars lament that failing to provide attorneys for those in tribal justice systems amounts to unacceptable injustice, but that right was not included in ICRA due to the feeling that poor tribes would not be able to endure such an expensive burden. Some tribes, such as the Navajo Nation, provide public defenders, but they are not mandated by ICRA to do so. The Sixth Amendment right to a trial in the district in which the offense occurred is not part of ICRA, in part due to complex legal jurisdiction that results in many defendants in Indian Country being tried off-reservation depending on the type of crimes they are accused of committing.

The Seventh Amendment right to jury trials is not part of ICRA, but this right has also not been extended to the states through incorporation.

The Eighth Amendment prohibitions against excessive bail or fines and cruel or unusual punishment are part of ICRA. Of interest, the ban on excessive bail has not yet been extended to the states through incorporation, so this is one of the rare constitutional protections mandated for tribal citizens but not for their counterparts in state justice systems. In addition, ICRA states that tribal governments cannot impose sentences more severe than 1 year in jail and a fine of $5,000. This additional guarantee has been criticized because it limits the ability of tribal governments to establish penalties for violations of their laws. It also means that tribal courts are essentially limited to adjudicating misdemeanors.

The Ninth and Tenth Amendments are not part of ICRA, nor are they extended to the states through incorporation.

In addition to the above Bill of Rights guarantees, ICRA includes verbatim text from the Fourteenth Amendment guaranteeing equal protection to all citizens and due process to accused individuals. ICRA also includes the mandate from Article 1 of the Constitution banning bills of attainder and ex post facto laws. Then, ICRA guarantees those accused of offenses for which they may be jailed the right of trial by jury of six or more persons; the right to jury trials for serious cases was extended to the states by the U.S. Supreme Court ruling in *Duncan v. Louisiana* in 1968 (the year ICRA was enacted). Finally, ICRA directs the creation of a model code to govern justice processes for tribes that rely on federally operated Courts of Indian Offenses (rather than those created by their own governments) and changes the guidelines for state assumption of jurisdiction over tribal justice systems to require tribal consent to state takeovers and making retrocession of jurisdiction back to tribes possible.

Taken as a whole, ICRA made many significant changes to the way justice was handled in Indian Country by guaranteeing individuals accused of crimes on tribal lands many of the same basic due process rights that their counterparts in state courts obtained through selective incorporation of the Bill of Rights. Though agreeing with those guarantees in theory, critics of ICRA feel it amounts to unnecessary oversight and meddling in tribal affairs. Some lament about imposing "White man's justice" on tribal governments and trying to make tribal justice systems mirror those of their White counterparts. Some tribes already had substantial due process guarantees in place in their common law provisions. Navajo Nation common law, for example, mandates that attorneys be knowledgeable about the type of law they are practicing, which is a protection that many off-reservation defendants may desire. ICRA also wreaked havoc with traditional legal practices, such as peacemaking and other culturally appropriate mediation schemes, by guaranteeing rights that can be seen as working against the goals of mediation (e.g., most tribes prohibit attorneys from acting in an official capacity during traditional mediation hearings).

A significant weakness in ICRA is that the only remedy guaranteed to tribal defendants is that of habeas corpus, meaning they may use alleged violations of ICRA to challenge their incarceration, but they cannot use ICRA to seek other remedies, including injunctions against tribal governments, changes to tribal laws or legal processes, or even financial compensation. In addition, defendants may not file habeas corpus proceedings until exhausting all potential avenues of remedy within their respective tribal legal systems. The U.S. Supreme Court has allowed non–habeas corpus

proceedings in only a handful of situations since ICRA's passage more than 4 decades ago. Citizens who are not incarcerated, then, are essentially denied any guarantees under ICRA. So, while some critics charge that ICRA is meddling in tribal affairs, others charge that it does not provide any real protections for tribal citizens. More and more tribes are now including ICRA-like guarantees in their own constitutions and governing documents, however, so citizens in Indian Country may soon have the same protections as their off-reservation counterparts.

Jon'a F. Meyer

See also Indian Self-Determination Act; Native Americans; *United States v. Antelope*

Further Readings

Canby, W. C., Jr. (2004). *American Indian law in a nutshell* (4th ed.). St. Paul, MN: West Publishing.
Deloria, V., & Wilkins, D. E. (1999). *Tribes, treaties, and constitutional tribulations*. Austin: University of Texas Press.
Garrow, C. E., & Deer, S. (2004). *Tribal criminal law and procedure*. Walnut Creek, CA: AltaMira Press.
Indian Civil Rights Act of 1968 (25 U.S.C. §§ 1301-03).
Talton v. Mayes, 163 U.S. 376 (1896).

Indian Self-Determination Act

The Indian Self-Determination Act can be seen in historical context as a recent policy perspective by the U.S. government among several shifting policies on what to do about Indians. The U.S. government has approached the issue of Indians in several manners, including extermination, allotment and assimilation, the New Deal, termination of tribal status, and self-determination. Extermination involved the denial of Native American culture, subsistence, and land rights. The allotment and assimilation approach was a policy of placing Indians on reservations and gave individual Indians parcels of land in an effort to transition them into independent farmers. The New Deal began a reversal of previous allotment and assimilation policies and sought to give Indians some role in managing their own affairs. With termination, the U.S. government sought to eliminate all federal responsibility over Indian affairs and to terminate tribal status. Finally, self-determination sought to foster autonomy and community for Native American tribes. This policy toward self-determination was exemplified by the 1975 Indian Self-Determination and Education Assistance Act (Public Law 93-638), which allowed tribes to administer their own service programs. The act was amended in the 1980s and 1990s to allow for greater self-governance.

Extermination

Native American lands were obtained by the U.S. government in a variety of ways, including betrayal of trust as expressed in formal treaties. As settlers expanded their land interests and Native Americans were in the way, the U.S. government engaged Indians in a number of treaties that were eventually revoked or ignored to gain control over Indian lands. Initially, many of the treaties allowed Indians to exclusively occupy vast areas of land that provided them with subsistent hunting and gathering, and seasonal or wandering encampments. In exchange for their land, the Indians were granted peace. When settlers wanted and encroached upon these additional lands, the U.S. government failed to enforce the treaties and used troops to force native inhabitants into relinquishing their lands. In addition, the troops and settlers destroyed Indian assets and food sources such as the buffalo.

Allotment and Assimilation

The U.S. government began a policy of placing Indians on reservations and gave individual Indians parcels of land in an effort to transition them into independent farmers and to keep them out of the way of settlers. The allotment and assimilation era began in 1871 and was marked by refusal by Congress to deal with Indian tribes as separate and sovereign nations. In 1887, Congress passed the General Allotment Act, which divided reservation land into family plots; the titles to these lots were held in trust by the U.S. government. It, indeed, may be that dividing

reservation land into plots was the only way to protect it from White divestiture. Even so, the parcels of land and life within the reservations were very poor, and the best tracts of land ended up in White hands. In addition to dividing up and privatizing Indian land, other policies sought to wipe out native languages and stamp out tribal cultures.

Native people who refused to be placed upon reservations or who engaged in resistance were hunted down by U.S. troops and returned to the reservations by force. In some noteworthy cases, there were massacres of Indian women and children. Indian resistance was effectively quashed by 1890, and the "Indian Wars" ended.

The New Deal

While Indians on the reservations retained minimal rights of self-determination and organization, the federal government ruled over reservations through the Bureau of Indian Affairs and congressional legislation and oversight. In 1934, Congress enacted the Indian Reorganization Act as part of the Indian New Deal under President Franklin Roosevelt. The Indian Reorganization Act began a reversal of previous allotment and assimilation policies. New policies sought to give Indians an active role in managing their own affairs. The Secretary of the Interior was authorized to negotiate funding and contracts with any state for Indian social services, including education. Congress sought to allow Indians living on reservations local self-government and tribal corporations to manage reservation resources. Continued allotments of Indian lands were prohibited, and allotted lands were consolidated for community purposes.

Termination of Tribal Status

Despite the initiatives contained in the Indian Organization Act, the federal government reversed itself again in 1953, with a new era of federal Indian policy known as the termination era. Congress declared its intent to eliminate all federal responsibility over Indian affairs and to terminate tribal status. In doing so, tribal sovereignty was to be replaced with state law, and communal tribal lands were to be disposed of into private, individual hands. As a result, 109 tribes were terminated, and thousands of Native Americans lost tribal affiliation. Federal responsibility and jurisdiction were turned over to state governments. Land held in trust by the federal government for Indians was removed from protected status and sold to non-Indians. The policy of termination had disastrous consequences. The loss of tribal status was associated with high unemployment, a decline in educational levels, and a loss of homes and welfare enrollments.

Self-Determination

The plight of Indians was reexamined in the 1960s as the result of several factors, including Indian activism. This led to yet another change in Indian policies called the era of Indian self-determination. Self-determination began to form during President John F. Kennedy's administration. Self-determination found support with President Johnson and the War on Poverty, and President Richard Nixon's perspectives on Indian policy included an adamant repudiation of termination. Nixon recommended that Congress support self-determination and foster autonomy and community for Native American tribes.

In 1975, Congress passed Public Law 93-638, the Indian Self-Determination and Education Assistance Act, in an effort to maximize Indian participation in the government and education of the Indian people. Even though neither the Bureau of Indian Affairs officials nor the tribes were particularly happy with the implementation of the program, it was widely hailed as an improvement in federal Indian policy and a meaningful step toward self-determination. Prior to this act, the federal government controlled the planning and administration of services such as hospitals, schools, and community centers, intended to benefit Native Americans, without their input or involvement. The legislation gave tribes the funding amount that the government would have spent to plan, conduct, and administer the programs. As a result, tribes could negotiate contracts with the Bureau of Indian Affairs to administer their own service programs, including hospitals, health clinics, dental services, mental health programs, and alcohol and substance abuse programs.

The Indian Self-Determination and Education Assistance Act was amended in the 1980s and 1990s to allow for greater self-governance. For example, instead of discrete individual grants, tribes received bloc grants from the Indian Health Service and the Bureau of Indian Affairs to support several programs and were given discretion as to how to allocate funds. Further tribal role was expanded to include programs with the Environmental Protection Agency and the Department of Housing and Urban Development. The intent has been to cultivate independence and leadership within the Native American tribal communities. Finally, while Congress and the Executive Branch provide indications of support for self-determination, and there have been some modest improvements to existing tribal programs, the last major legislative initiative aimed at self-determination was enacted in 1996. No significant new legislation has been enacted since then.

J. Michael Olivero

See also Bureau of Indian Affairs; Domestic Violence, Native Americans; National Native American Law Enforcement Association; Native American Courts; Native American Massacres; Native Americans; Native Americans and Substance Abuse; Tribal Police; *United States v. Antelope*

Further Readings

Canby, W. C., Jr. (2004). *American Indian law in a nutshell* (4th ed.). St. Paul, MN: West Publishing.

Castile, P. (1998). *To show heart: Native American self-determination and federal Indian policy, 1960–1975*. Tucson: University of Arizona Press.

Churchill, W. (2002). *Acts of rebellion: The Ward Churchill reader*. Milton Park, UK: Routledge.

Collins, R. (2006). A brief history of the U.S.-American Indian Nations relationship. *Human Rights, 33*(2), 3–4.

Cross, R. (2004). Reconsidering the original founding of Indian and Non-Indian America: Why a second American founding based on principles of deep diversity is needed. *Public Land & Resources Law Review*, *25*, 61.

Dean, S., & Webster, J. (2000). Contract support funding and the federal policy of Indian tribal self determination. *Tulsa Law Journal*, *39*, 349.

Fredericks, J. (1999). America's First Nations: History and future of American Indian sovereignty. *Journal of Law and Policy*, *4*, 347.

Glazer, E. (2004). Appropriating availability: Reconciling purpose and text under the Indian Self-Determination and Education Assistance Act. *University of Chicago Law Review*, *71*, 1637.

Janik, C., Malcolm, J., & Iott, S. (1999, October). *Indian Self-Determination Act: Shortfalls in Indian contract support costs need to be addressed*. Collingdale, PA: Diane Publishing.

Kersey, H. (2005). Buffalo Tiger, Bobo Dean, and the "Young Turks": A Miccosukee prelude to the 1975 Indian Self-Determination Act. *American Indian Culture and Research Journal*, *29*(1), 1.

Reid, B., & Winton, B. (2004). *Keeping promises: What is sovereignty and other questions about Indian Country*. Tucson, AZ: Western National Parks Association.

Skibine, A. (1995). Reconciling federal and state power inside Indian Reservations with the right of tribal self-government and the process of self-determination. *Utah Law Review Society, 1995*(4), 1105.

Walch, M. (1983, July). Terminating the Indian termination policy. *Stanford Law Review*, *35*, 1181.

Washburn, K. (2006, May). Tribal self-determination at the crossroads. *Connecticut Law Review*, *38*, 777.

Wright, D., Hirlinger, M., & England, R. (1998). *The politics of second generation discrimination in American Indian education: Incidence, explanation, and mitigating strategies*. Westport, CT: Bergin & Garvey.

Inequality Theory

Social inequality is the giving of privileges and obligations to one group of people while denying them to another. Inequality theory is a system in which groups of people are divided into layers according to their relative power, prestige, and property. It is a way of ranking large groups of people into a hierarchy according to their relative privileges. Social inequality affects individuals' life chances, the way they see the world, and even the way they think.

Every country in the world has inequality; some societies have greater inequality than others, but inequality theory states that inequality is universal. In addition, every country uses gender as a basis for its inequality. On the basis of gender, people are either allowed or denied the good things offered by their society.

In no society is gender the sole basis for inequality, but the categories into which people are sorted and given different access to the good things in their society always favor males. The lower status of women is almost universal and timeless; few societies have been found where women habitually dominate men. For example, in every society in the world, men earn more money than women. In addition, according to UNESCO estimates, 64% of the world's illiterates are women, a figure unchanged since 1990.

Inequality theory does not limit inequality to gender. Gender inequality affects females and males throughout their lives, and it starts when they are young. Childhood differs structurally from adulthood; children are subject to additional levels of social control (by parents, teachers, and other adults). Adults are structurally positioned to take advantage of available resources; they create and use power to their advantage, and they control access to valued resources. Also, adults have accumulated advantages over time that children have not had the opportunity to achieve. Moreover, children's economic utility makes them a drain on resources, and both behavioral and attitudinal variables (female infanticide, son preference, affection, the social inclusion and evaluation of boys and girls) are specific to childhood gender inequality.

Inequality theory recognizes that skin tone is a paramount criterion of social acceptance in America and that race often supersedes the influence of class, background, religion, or language in terms of access to the good things offered by society. The darker a person's skin is, the greater his or her social distance is from the dominant group and the more difficult it is to make personal qualifications count. Racial disproportionalities in American rates of arrest, imprisonment, and capital punishment are indisputable, although debate about the sources of these disproportionalities persists. There is evidence that race is more important than social class for explaining variation in urban American arrest rates. In support of this view, researchers point to the intense surveillance of Black neighborhoods, the relative absence of surveillance in White neighborhoods, and differences in punishments for White and Black offenders that reinforce perceptions of a racist and unequal criminal justice system designed to oppress Black people.

Race is also a salient comparative point of reference for understanding perceptions of the criminal justice system in America. African Americans overwhelmingly perceive these differences in the criminal justice system as unjustifiable, and the massive numbers of African Americans (especially youth) who come into contact (or conflict) with the criminal justice system perceive it as unjust. This has led to a growing concern that perceived injustice itself causes criminal behavior, which adds urgency to developing a better understanding of racial and ethnic differences in the criminal justice system. Middle-class African American professionals distrust the criminal justice system. Low-income African Americans are more inclined to restrict their frame of reference to their immediate community when judging their experiences. The separateness of the African American urban experience may make police harassment so common that they are less outraged than would be expected.

African Americans perceive inequality and discrimination in education, employment, health care, and housing as a result of racism, due mainly to the long history of public humiliation of African Americans. Neighborhood, school, and workplace experiences provide further context for racial subordination. Affluent and better-educated Blacks view African Americans as worse off than White Americans. Economically successful African Americans can compare more easily their experiences with Whites and other racial groups, so they may be more inclined to perceive injustice among African Americans as a group. In addition, middle-class Blacks may be surprised when their economic status does not protect them from police harassment, whereas African Americans who are economically disadvantaged may be conditioned to expect that type of treatment. This places middle- and upper-class African Americans in a heightened state of sensitivity to differential treatment.

Inequality theory states that for a society to maintain its inequality, the powers that be must either control ideas and information or use force. Coercion often breeds hostility and rebellion, so those in control focus on controlling people's ideas by developing an ideology (a belief that justifies the way things are) to justify its position at the top. For example, around the world schools teach that their country's form of government (regardless of what form that is) is the best. Inequality theory

also posits that to maintain their positions of power, elites try to control information by manipulating the media or withholding information. However, as can be seen in the disproportionate treatment by the criminal justice system, coercion is not ruled out as a means of maintaining unequal access to the good things offered by a society.

Although programs exist to help level the playing field (e.g., affirmative action, college scholarships) and provide more equal opportunity, such programs encounter structural inequality in which inequality is built into economic and social institutions. Examples of structural inequality are unemployment and differences in wages. Inequality theory states that the consequences of inequality include a quality of life that goes to the core of one's being. Inequality affects the way people think, behave, and severely limits their life chances.

PJ Verrecchia

See also Black Feminist Criminology; Conflict Theory; Disproportionate Arrests; Disproportionate Minority Contact and Confinement; Gender Entrapment Theory; Racism

Further Readings

Baunach, D. M. (2001). Gender inequality in childhood: Toward a life course perspective. *Gender Issues*, *19*(3), 26–87.

Chambliss, W. J. (2000). *Power, politics, and crime*. Boulder, CO: Westview Press.

Curtis, R. F. (1986). Household and family in theory on inequality. *American Sociological Review*, *51*(2), 168–183.

Hagan, J., Shedd, C., & Payne, M. R. (2005). Race, ethnicity, and youth perceptions of criminal justice. *American Sociological Review*, *70*, 381–407.

Hagan, J., Simpson, J. H., & Gillis, A. R. (1979). The sexual stratification of social control: A gender based perspective on crime and delinquency. *British Journal of Sociology*, *30*(1), 25–38.

Huber, J. (1990). Micro-macro links to gender stratification. *American Sociological Review*, *55*, 1–10.

Lipset, S. M. (1979). *The third century: America as a post-industrial society*. Stanford, CA: Hoover Institution Press.

Reiman, J. (2001). *The rich get richer and the poor get prison: Ideology, class, and criminal justice*. Boston: Allyn & Bacon.

Rogers, S. J., & Amato, P. R. (2000). Have changes in gender relations affected marital quality? *Social Forces*, *79*, 731–748.

Toffler, A. (1980). *The third wave*. New York: Morrow.

United Nations Educational, Scientific and Cultural Organization. (2006). *Education for All global monitoring report*. Paris: Author. Retrieved from http://unesdoc.unesco.org/images/0014/001416/141639e.pdf

Innocence Project

Established by Peter J. Neufeld and Barry C. Scheck (civil rights attorneys) in 1992, the Innocence Project started at Benjamin N. Cardoza School of Law located at Yeshiva University in New York City. The mission of the Innocence Project is to aid inmates who have the chance of being established innocent through the technology of deoxyribonucleic acid (DNA) testing.

The Innocence Project, which has the status of a nonprofit organization, was based at Yeshiva University until 2003, when the group moved to its own location. The affiliation between the university and the Innocent Project remains solid. Both Neufeld and Scheck are members of the faculty. The project has five full-time lawyers working on cases, and each year, students of Cardoza School of Law work with the Innocence Project. Their responsibilities include investigating cases and locating evidence that might hold DNA and assisting lawyers in drafting motions for the court. Along with the help of the law students, the Innocence Project employs 38 other people, including a policy and an intake department.

History of Exoneration

The act of exoneration is not a new element in the U.S. criminal justice system. According to Rob Warden of Northwestern Law, the first case of documented exoneration was in Vermont in 1820. Jesse and Stephen Boorne were sentenced to hang for the murder of their brother-in-law Russell Colvin in 1812. Although Colvin's body was not found, Silas Merrill, Jesse's cell mate, claimed that Jesse had confessed to the murder. After the police confronted Jesse about the statement, he confessed

to the police while laying the principal culpability on Stephen. After the trial both Jesse and Stephen were sentenced to death by hanging. The legislature in Vermont commuted Jesse's sentence to serving life in prison but did not do the same for Stephen. Not long before Stephen was to die, Russell Colvin was found alive in the state of New Jersey. He returned to Vermont, and both Stephen and Jesse were exonerated of the murder.

According to Amanda Buck, the first group devoted to exonerating the innocent from prison was the Court of Last Resort. It was started in 1947 by Erle Stanley Gardner, a lawyer and a mystery novelist who was well known for his character of Perry Mason, a fictional lawyer. Gardner established a panel of experts to examine cases in which an innocent person may have been convicted. His first case was that of William Marvin Lindley. Lindley was convicted on the charge of murder in the state of California. Gardner and his panel proved Lindley was innocent. Gardner's work stopped in 1960, but he estimates that through the course of his work, the Court of Last Resort looked into 8,000 cases of innocent people who were incarcerated.

Centurion Ministries was the first organization that worked nationally. The Centurion Ministries was established by James McCloskey in Princeton, New Jersey, in 1983. McCloskey worked as a chaplain in Trenton State Prison. He chose to leave the position as junior chaplain and the ministry in order to focus his attention solely toward the goal of freeing innocent inmates. Centurion Ministries is still based in New Jersey and has five full-time employees and a network of forensic experts and lawyers throughout the United States and Canada. The organization also has a dedicated network of volunteers who work with the Innocence Project.

The work of the Innocence Project was groundbreaking. Inspired by the work of people who came before them, the Innocence Project staff were the first to work toward the goal of exonerating inmates based on DNA evidence. They took a concept that is quite old, an inmate's plea of innocence, and combined it with the breakthrough technology of DNA.

There is currently a network of organizations that are working toward the identical objective. According to the Innocence Project website, there are approximately 53 locations in 40 states across the nation, including Texas, Washington, Virginia, California, District of Columbia, Ohio, Kentucky, and Maine. There are also international locations in Canada, England, and Australia. These organizations work together to achieve two main objectives: for innocent people to be released from prison and for laws and statutes to change to safeguard more innocent people from ever seeing the inside of a cell.

Applying for Consideration by the Innocence Project

To be considered by the Innocence Project, an individual must submit a letter including a brief summary stating the facts of the case and the evidence that was used in the trial. The lawyers for the Innocence Project will then review the case. It is made clear that if the case does not have evidence pertaining to DNA, the inmate or individual has the option of contacting other institutions that help in proving innocence.

If the Innocence Project decides to accept a case, the inmate is required to fill out a very detailed questionnaire and provide the organization with all of the information that the inmate and his family can obtain. If there is DNA evidence, then the organization will send it for testing. According to Neufeld, approximately 50% of the cases reviewed by the Innocence Project result in inmates' innocence.

Results

The first exoneration based on DNA evidence occurred in 1989. On April 23, 2007, the Innocence Project celebrated their 200th exoneration when Jerry Miller was released after serving 24 years for kidnapping, rape, and robbery of a Chicago woman in 1982.

Inmates have been exonerated in over 32 states across the nation, including Washington, D.C. As of November 7, 2008, the Innocence Project has helped exonerate 223 wrongly convicted inmates across the country, including 17 inmates on death row. Of those 223 exonerated, 138 are African American, 59 are Caucasian, 19 are Latino, 1 is Asian American, and 6 are of unknown race. Over 70% of the exonerated are members of a minority race or ethnicity. Of the exonerated, about 50% have been financially compensated. The average

time spent incarcerated before exoneration is 12 years, and the average age of those exonerated at the time of their conviction is 26.

According to Elisabeth Salemme of *Time* magazine, the Innocence Project receives approximately 200 requests for assistance each month. Every year, the Innocence Project has to reject approximately 33% of cases that are submitted due to lost or misplaced or destroyed evidence. At any given time, the Innocence Project is actively working on approximately 160 cases.

After Exoneration

The Innocence Project has established a program to help the people who are exonerated. The program employs a social worker who helps the exonerated adjust to life outside of prison; the program accepts donations to help the exonerated start a new life. The Innocence Project staff is also working on passing state legislation establishing fair compensation to those who have been exonerated. Only 22 states and the District of Columbia currently have some sort of compensation statute in place, and several of the compensation statutes in place are inadequate. The Innocence Project's goal is to see that all states in the nation have sufficient compensation statutes in place.

Federal Legislation

Due to the number of incarcerated inmates exonerated through the work of the Innocence Project and others like it, Congress has taken a new look at the laws dictating the conditions under which inmates can have old evidence retested and addressing the right of exonerated inmates to compensation for their time behind bars.

The Advancing Justice Through DNA Technology Act was signed into law in 2003. It authorizes for $1 billion over a period of 5 years to help both federal and state governments understand and appreciate the capability of DNA testing when it comes to solving crimes while protecting the innocent. There are four separate titles to the bill. Titles I and II are the DNA Sexual Assault Justice Act and the Rape Kits and DNA Evidence Backlog Elimination Act. This legislation established the Debbie Smith DNA Backlog Grant Program and authorizes $755 million over a period of 5 years to address the backlog of DNA evidence in crime labs across the nation. It also provides $500 million to establish new programs to reduce other backlogs, to aid in training medical and criminal justice personnel of DNA evidence, and to encourage the employment of DNA technology to aid in identifying missing people. Title III is the Innocence Protection Act, which makes available postconviction DNA testing in the federal system. It also aids states in improving the quality of legal representation in capital cases and enhances compensation for wrongfully convicted inmates in the federal system. Title III also established the Kirk Bloodsworth Post-Conviction DNA Testing Program and authorizes $25 million over a period of 5 years to help with the cost of postconviction DNA testing.

Kirk Bloodsworth was sentenced to death in Maryland in 1985 for the 1984 rape and murder of a 9-year-old girl. His conviction was overturned in 1986 due to withheld evidence; he received a life sentence at the end of his retrial. In 1993, through the help of Centurion Ministries, DNA testing was conducted. The tests showed that Bloodsworth's DNA did not match the DNA evidence that was found at the crime scene. He was released in June 1993 and given a full pardon in 1994. In September 1993, an inmate serving time for another offense was found to be the actual offender. He was in the cell block where Bloodsworth had been confined, and the two men had routinely worked out together.

The Justice for All Act was signed into law in October 2004. The act increases the funds available to both state and local governments to help fight crimes involving DNA evidence and to help prevent convictions of innocent people, and worse, executions of innocent people. It incorporated three titles of the Advancing Justice Through DNA Technology Act, while adding one additional title. There are four separate titles to the bill. Title I is the Scott Campbell, Stephanie Roper, Wendy Preston, Louarna Gillis, and Nila Lynn Crime Victims' Rights Act. It provides for the establishment of enhanced and enforceable rights for victims of crime in the federal system and authorizes grants to assist states in establishing their own victim's rights laws. Titles II and III established the Debbie Smith DNA Backlog Grant Program. Title IV is the

Innocence Protection Act, which makes available postconviction DNA testing in the federal system.

The Justice for All Act also established increased compensation amounts for exonerated inmates. Inmates who were on death row receive $100,000 for each year of incarceration; all other exonerated inmates receive $50,000 a year for each year of incarceration. Although this provision applies only to the federal system, it urges states to enact compensation guidelines. At the moment, there are 28 states that lack any sort of compensation for exonerated inmates. Presently, the Innocence Project is focused on the states of California, Florida, Pennsylvania, and Texas. The Innocence Project wants these states to institute statutes of stronger compensation.

Looking Into the Future

Scheck, Neufeld, and Jim Dwyer believe that technological advances in the science of DNA will ultimately eliminate the need for exonerations based on DNA evidence. Already, thousands of innocent suspects—perhaps even more—have been cleared before going to trial. However, the crisis of innocent people spending years in prison is not even coming close to nearing an end. They acknowledge that there are innocent people that will stay behind bars, abandoned for the simple fact that their cases do not have biological evidence. Because these cases do not involve saliva, blood, ejaculate, or tissue, these innocent inmates will continue to be locked up. In light of this, Cardoza and Northwestern, joined by other law schools in North America, are in the process of forming a network of innocence organizations that will be equipped to handle cases of inmates who were wrongly convicted, even in the absence of DNA evidence.

Although the work of exonerating innocent people through DNA is coming to a close, the Innocence Project, along with the entire Innocence Network, does not plan to disband in the near future. However, they are looking forward to a time when their services will no longer be needed.

Nicole Hardy

See also Alliance for Justice; Wrongful Convictions

Further Readings

Buck, A. (2006, May/June). Innocence projects. *IRE Journal, 28*, 18–19.

Leahy, P. (2004). *The Justice for All Act of 2004*. Retrieved from http://leahy.senate.gov/press/200410/100904E.html

Mid-Atlantic Innocence Project. (n.d.). *Kirk Bloodsworth*. Retrieved from http://exonerate.org/case-profiles/kirk-bloodsworth

Pollack, E. (2004, July 13). *The Advancing Justice Through DNA Technology Act of 2003 (H.R. 3214): A section-by-section analysis* (Report No. RL32469). Retrieved from Open CRS (Congressional Research Service) website: http://opencrs.cdt.org/document/RL32469/2004-07-13%2000:00:00

Salemme, E. (2007, June 5). *Innocence Project marks 15th year*. Retrieved October 12, 2007, from http://www.time.com/time/nation/article/0,8599,1628477,00.html

Scheck, B., Neufeld, P., & Dwyer, J. (2000). *Actual innocence: Five days to execution and other dispatches from the wrongly convicted*. New York: Doubleday.

Websites

Centurion Ministries: http://www.centurionministries.org/index.html

Innocence Project: http://www.innocenceproject.org

In re Gault

In re Gault (1967) is considered one of the most important cases in juvenile justice in the United States. *Gault* overturned procedures formalized during the 20th century that many considered paternalistic. Although the impact of *Gault* on racial discrimination in juvenile justice is unclear, it signaled a trend toward procedural safeguards similar to those available in the adult criminal justice system. All youth were at risk of being deprived of due process in juvenile justice proceedings prior to *Gault*, but minority youth had been especially victimized by the failure of states to extend the protections of the Bill of Rights to juveniles. The U.S. Supreme Court's decision in *Gault* established a number of due process rights for juveniles in delinquency proceedings, including the

right to timely notice of charges, the right to counsel, and the right to confront an accuser, as well as protection against self-incrimination.

Facts of the Case

Gerald F. Gault was 15 years old at the time of his offense. Gault and a friend had been accused of making obscene phone calls to a neighbor. Gault was apprehended and questioned without his parents being given any notice from the authorities. Gault's mother was given a handwritten note from the juvenile probation officer, informing her and her husband of the delinquency hearing a week later, which she attended. However, neither Gault nor his parents received notification of the specific charges against him or the potential repercussions for Gault prior to the informal delinquency hearing. Gault was neither given nor advised of an opportunity to have a lawyer present to advise or represent him. At the hearing, the only evidence against him was hearsay evidence concerning the claims of the complaining neighbor, who did not appear, and a single prior juvenile charge of theft. In the hearing, Gault admitted to dialing the neighbor who had made the complaint but stated that he had spoken to her. Mrs. Gault's request that the neighbor be present to identify the caller was specifically denied. Gault was found to be delinquent and was sentenced to up to 6 years in the State Industrial School, which was a juvenile facility that many considered to be no less than a prison for juveniles. Had Gault been an adult, he would have faced a maximum of 60 days in jail. Because Gault was not entitled to an appeal from the delinquency hearing under the state juvenile justice system, his case challenged the law itself through a petition for habeas corpus, which is a writ inquiring into the lawfulness of the restraint of a detained person.

Decision and Reasoning of the Supreme Court

The issue before the U.S. Supreme Court on appeal was whether Gault was entitled to some of the same due process rights that adults had under the Fourteenth Amendment of the U.S. Constitution. The Court found that juveniles facing detention in juvenile justice proceedings were entitled to the rights to notice of the charges, to counsel, to be silent (i.e., against self-incrimination), to confront witnesses against him or her, to a transcript of the proceeding, and to an appeal to a higher court.

In an 8–1 opinion, the Supreme Court found that the juvenile justice system had departed far from its humanitarian roots in the beginning of the century. The idea had been that juveniles were stigmatized by treatment as adults, that the system was benign and rehabilitative, that juveniles' liberty interests were less than those of adults, and that an informal system was thus much more beneficial to juveniles. The Court found that this was not the reality of the juvenile justice system. Justice Abe Fortas, writing the opinion of the Court, looked at the adult nature of the facilities to which juveniles were sent and the number of repeat offenders. He stated that "the condition of being a boy does not justify a kangaroo court"—that is, being underage does not justify losing the protections of the Bill of Rights or the Fourteenth Amendment to the Constitution. This ruling revolutionized procedure in the juvenile justice system. The only procedural rights available to adult criminal defendants that are not available to juveniles facing detention for criminal violations are trial by jury and indictment by grand jury; there has been no significant reform movement to include either of these rights in the juvenile justice system.

Gault is considered unique because it not only reformed the law in a specific area but did so by reversing the "reforms" of the previous century.

History and Logic of the Juvenile Justice System

Common law courts considered juveniles to be either incapable of forming criminal intent, and thus legally innocent, or fully capable, in which case they were treated as adults. In the United States, this approach gradually came to be considered unjust, and segregated facilities were established for juvenile detention and correction. The child welfare doctrine of *parens patriae* ("the state as substitute parent") was used to justify what many people would now consider rehabilitative and paternalistic detention of juveniles. This practice began in the eastern United States

and spread west. The Pennsylvania Supreme Court evoked and explained the philosophy of parens patriae in the 1838 case of *Ex Parte Crouse*:

> May not the natural parents, when unequal to the task of education, or unworthy of it be superseded by the *parens patriae,* or common guardian of the community? It is to be remembered that the public has a paramount interest in the virtue and knowledge of its members. . . . The [detained child] has been snatched from a course which must have ended in confirmed depravity; and not only is the restraint of her person lawful, but it would be an act of extreme cruelty to release her from it.

In 1899, Chicago established the first exclusively juvenile court, and within a few decades, the courts spread to other states. Throughout most of the 20th century, the juvenile justice system has evolved separately from the adult criminal justice system. The underlying rationale has been that juvenile delinquency should be treated differently from adult crime. Prior to *Gault,* the justifications for the lack of procedural safeguards were that delinquency proceedings were not criminal trials and that juveniles should be incarcerated in juvenile facilities, not prisons. The facts of *Gault,* however, indicate that the ideal of rehabilitating children in their formative years may have fallen short of the mark. Many believed that juvenile facilities were no better than prisons, and therefore, Gault's sentence of up to 6 years in a juvenile facility was unacceptably harsh given than an adult convicted of the same crime would have received a maximum sentence of only 60 days in jail.

Gault's Legacy

Gault stood for the idea that the juvenile justice system should treat juveniles much like adults. This idea has proven to be a double-edged sword, as the protections that the juvenile justice system offers to juveniles, apart from the adult criminal justice system, have slowly eroded. Juveniles are more and more frequently facing transfers to the adult criminal justice system, adult sentences from juvenile courts, or hybrid sentencing. The nature of the facilities to which juveniles are committed, even strictly within the bounds of the juvenile justice system, is often analogous to those for adults. The confidential nature of the juvenile justice system has also eroded, with juvenile records, once strictly confidential, now available for more purposes once the subjects reach adulthood.

The paternalism of the juvenile justice system, for good or ill, has been slowly replaced with a focus on accountability and victim protection. *Gault* itself stood for the prospect that juveniles need to be afforded the rights of adults; however, many critics believe that an adult penal burden is also imposed on juveniles and that the juvenile justice system has itself become more punitive and less rehabilitative. One significant exception to this more punitive approach is the abolition of the juvenile death penalty by the U.S. Supreme court case of *Roper v. Simmons* (2005). *Gault* added procedural safeguards for the protection of juveniles, but its legacy has been more punitive treatment by the more formalized juvenile justice system and more transfers to the harsher and equally formalized adult criminal justice system.

Sam Swindell

See also Juvenile Crime; Juvenile Drug Courts; Juvenile Waivers to Adult Court; Youth Gangs

Further Readings

Butts, J. A., & Mitchell, O. (2000). Brick by brick: Dismantling the border between juvenile and adult justice. In *Boundary changes in criminal justice organizations* (pp. 167–213). Washington, DC: National Institute of Justice.

del Carmen, R. V., & Trulson, C. (2006). *Juvenile justice: System, process, and law*. Belmont, CA: Thomson/Wadsworth.

Roper v. Simmons, 543 U.S. 551 (2005).

Institute on Race and Justice

See Northeastern University Institute on Race and Justice

Institutional Racism

Racism refers to a belief about the racial superiority of one group over another. Racism can be expressed in individual beliefs and actions, as well as by groups. Institutional racism is racism that is embedded in a society's institutions—for example, in the political, economic, educational, and criminal justice systems—in a subtle form that allows the dominant group to systematically exploit and dehumanize the subordinate group. Civil rights activists and political scientists are credited with introducing the concept of institutional racism. Among the functions of institutional racism is the maintenance of racist practices that create and sustain the dominant group's privileges at the expense of equal opportunities for subordinate groups. Institutional racism contributes to discriminatory systemwide norms that are embodied in institutional policies and practices. Whereas incidents of individual racism are somewhat easy to detect, institutional racism is more difficult to identify because it involves more than specific actions by individuals. This entry describes institutional racism, its history, and its impact on imprisonment and the War on Drugs.

Institutional racism consists of the policies and practices of social institutions that operate in such a way that they produce systematic and persistent differences between racial groups that contribute to social inequality. Institutional racism can occur even when no one is consciously or intentionally racist—what matters is the outcome. The key issue in institutional racism is the result, not the intent of those who are creating policies and continuing practices. Nevertheless, institutional racism is often the legacy of overt racism, whereby de facto racist practices are codified by de jure mechanisms.

Another aspect of institutionalized racism is *petit apartheid realities*. Criminologist Daniel Georges-Abeyie coined this term to refer to informal practices in the criminal justice system that discriminate against non-Whites. Examples of such practices are routine stop-and-question or stop-and-frisk practices that target minorities. Such discrimination in everyday law enforcement contributes to poor relations between the police and persons of color. Institutional racism may include not only explicitly encouraging racist behavior through institutional policies but also failing to take steps to halt such practices.

Whether the criminal justice system is racist continues to be hotly debated. Many criminal justice experts often rely on conventional wisdom that the system is racist, whereas others argue that such characterizations are a myth. William Wilbanks, in his controversial book *The Myth of a Racist Criminal Justice System* (1987), was one of the first to argue that the criminal justice system is not racist. He distinguished between individual and institutional racism and states that although individual racism occurs among police officers, attorneys, judges, and professionals in the criminal justice system, the system itself is not racist. Wilbanks confined his argument to the criminal justice system at that time and conceded that racial prejudice and discrimination had occurred in the past.

Criticism surrounding Wilbanks's book encompasses numerous issues. Wilbanks failed to recognize that the racism in the criminal justice system has become institutionalized in the same way it has in other organizational segments of the nation, such as education, politics, and the economic structure.

Historical and Contemporary Considerations

As the United States underwent the first of several waves of immigration, it was widely believed that the Irish, German, and Scandinavian immigrants were less intelligent than "real" Americans. When Irish, German, and Scandinavian immigrants settled in the United States during the 1800s, they were often viewed as less intelligent than "real" Americans; similar racist attitudes developed toward new arrivals during subsequent waves of immigration. Unemployment has always affected recent immigrants more than well-established citizens; the inability of immigrants to find work was attributed to what was perceived to be their innate laziness. Consequently, when poor, unemployed immigrants turned to street crime, perhaps in an attempt to survive harsh economic conditions, they were often viewed as a "class" of criminals. Historically, a disproportionate number of minorities and immigrants, most of them of a lower socioeconomic class, have been arrested, tried, convicted, and incarcerated.

Unlike the experience of immigrants of other ethnic groups, the experience of African American immigrants was primarily as slaves. Because the long history of slavery was maintained and nurtured by institutional racism, African Americans experienced not only individual racism but the institutional racism associated with slavery. Historically, being African American has meant having fewer legitimate opportunities in society. As a result they have had more contact with the criminal justice system than other racial groups. Following the Civil War, first- and second-generation immigrants from Europe were overrepresented in the prison population in the northern states, whereas prison inmates in the South were overwhelmingly African American. Today, African Americans—and to a lesser extent Latinos—are disproportionately represented in the prison system in all states.

According to the National Council on Crime and Delinquency, although African Americans represent only 13% of the general U.S. population, they account for 42% of all inmates held in state prisons or local jails and nearly 50% of the population on death row. Together, African Americans and Latinos comprise more than 70% of new prison admissions and more than 50% of the total prison population.

For over 20 years the federal government enforced cocaine sentencing laws that disproportionately targeted poor minorities. According to these laws, there was a mandatory minimum sentence of 5 years for possession of 5 grams of crack cocaine or 500 grams of powder cocaine. Because federal laws required a mandatory 5-year sentence for crimes involving 500 grams of powder cocaine or 5 grams of crack cocaine, about 86% of those convicted of federal crack cocaine offenses were Black; about 5% were White; thus, this sentencing disparity has a great impact on African Americans. Arguably, this sentencing disparity was a form of institutional racism. In *Kimbrough v. United States* (2007), the U.S. Supreme Court considered this disparity and ruled that the sentence of 15 years to life was unreasonable when based on sentencing disparity for crack and powder cocaine offenses.

Policy Implications

A comprehensive understanding of institutional racism in the United States must take into account the long-lasting character of racism and the fact that racism may operate, in large part, independently of the dominant group's present attitudes and behavior, with effects that outlive the initiators of racism. To be effective, structural remedies must reverse the "vicious circle" of institutional racism. For example, research on African Americans demonstrated that neighborhood segregation has led to educational disadvantage, then to occupational disadvantage, to income deficit, and even to prison. Institutional racism is considerably more intricate and entrenched than discrimination or prejudice. Remedies will require changes in the laws, in the economic structure, and in social programs if institutional racism is to be eradicated.

Kaylene A. Richards-Ekeh

See also Disproportionate Incarceration; Drug Sentencing; Drug Sentencing, Federal; Ghetto, Ethnoracial Prison; *Kimbrough v. United States*; Prison, Judicial Ghetto; Racialization of Crime; Racism; Sentencing; Sentencing Disparities, African Americans

Further Readings

Georges-Abeyie, D. E. (1990). Criminal processing of non-White minorities. In B. D. Maclean & D. Milovanovic (Eds.), *Racism, empiricism, and criminal justice*. Vancouver, BC, Canada: The Collective Press.

Goldberg, D. T. (Ed.). (1990). *Anatomy of racism*. Minneapolis: University of Minnesota Press.

Kimbrough v. United States, 552 U.S. ___ (2007).

Mann, C. R. (1993). *Unequal justice: A question of color*. Bloomington: Indiana University Press.

National Council on Crime and Delinquency. (2008). *Racial and ethnic disparities in the U.S. criminal justice system*. Prepared for the Impact Fund. Retrieved from http://steinhardt.nyu.edu/events/2008/9/16/176957

Office of the National Drug Control Policy. (2000). *Drug Policy Information Clearinghouse: Fact sheet, March 2000*. Washington, DC: U.S. Department of Justice.

Spohn, C., & Holleran, D. (2002). The effect of imprisonment on recidivism rates of felony offenders: A focus on drug offenders. *Criminology, 40*(2), 329–357.

Walker, S., Spohn, C., & DeLone, M. (2007). *The color of justice: Race, ethnicity, and crime in America* (4th ed.). Belmont, CA: Wadsworth.

Wilbanks, W. (1987). *The myth of a racist criminal justice system*. Monterey, CA: Brooks/Cole.

Intermediate Sanctions

Intermediate sanctions refer to punishments that fall between prison and probation. Given the disproportionate representation of people of color in prison today, the use of intermediate sanctions offers the possibility of reducing that disparity. This entry examines the range of punishments that comprise intermediate sanctions. Furthermore, an evaluation of the effectiveness of this strategy as well as directions for future research in this area are explored.

A defendant who receives a sentence involving an intermediate sanction faces a tougher and more stringent sentence than a defendant placed on probation, but that defendant avoids a harsher prison sentence. In prison, rehabilitation is virtually nonexistent, whereas a traditional probation sentence has been reprimanded as being too lenient and unstructured. Sociologist Jeffrey Ulmer found intermediate sanction sentences, which emerged during the late 1980s, involved more structure, surveillance, and treatment than did traditional probation sentences. Ulmer further observed that intermediate sanctions had become increasingly popular as they retain the "tough on crime" approach; meanwhile, this approach preserved an overcrowded and deteriorating prison system. The use of intermediate sanctions becomes particularly important when exploring the relationship between race and crime because non-Whites are disproportionately represented in America's jails and prisons.

Intermediate sanctions—also known as community corrections, alternative sanctions, and alternative punishments—can appear in a variety of forms. Some of the most popular intermediate sanctions are electronic monitoring, which can include house arrest; supervised work programs in the community; intensive probation supervision; and drug courts or substance abuse treatment. Regardless of the intermediate sanction given, the defendant remains in his or her community while adhering to the court-ordered treatment, sentence, or both. Intermediate sanctions can require intense amounts of counseling, workshops, rehabilitation programs, and time.

In addition to the cost savings of using intermediate sanctions as opposed to prison, the use of these sanctions helps reduce the stigmatization associated with incarceration. Further, it enables the defendant to maintain ties with his or her community while emphasizing rehabilitation. For example, an offender sent to drug court has an opportunity to deal with the issues that lead to continued drug use and receive various counseling and structured treatment. Drug court and substance abuse treatment centers require offenders to adhere to a strict and comprehensive plan. Numerous weekly meetings, random drug tests, and counseling sessions are just a few of the requirements to complete the program. Electronic monitoring leads to increased surveillance and can be very beneficial with people convicted of sexual offenses. Boot camps, also referred to as shock incarceration, can last many months and require defendants to follow a rigid schedule. In all of the intermediate sanctions, if the conditions assigned are not met, a prison or jail sentence usually follows.

Intermediate sanctions enable the criminal justice system to separate the serious and more dangerous criminals from the less-serious and nonviolent criminals. For the most part, the defendants who receive an intermediate sanction sentence are lower-level drug offenders, nonviolent offenders, less-serious offenders, or offenders with no prior record who committed a minor criminal offense.

The theoretical rationale for intermediate sanctions is derived from labeling, social control, and differential association theories. John Braithwaite's notion of reintegrative shaming provides a powerful foundation for the use of these sanctions. This perspective suggests a need to reduce the use of incarceration and to increasingly rely on community service. Reintegrative shaming takes into account the need to punish criminals, but it also considers the need to reduce stigma and open lines of communication within the community. If social bonds, opportunities, and socialization processes are restored, the offender is less likely to engage in criminal activity, thereby reducing the problem of recidivism. In contrast, traditional prison sentences, and the stigmatization associated with incarceration, can lead to increased criminality as well as psychological issues. Intermediate sanctions can also have a pronounced general deterrent effect, as people in the community witness the shaming and eventual reintegration of these offenders.

Evaluations of the impact of intermediate sanctions on recidivism are mixed. Similarly, there is no consensus regarding the most effective type of intermediate sanction. Some research supports intermediate sanctions in the reduction of recidivism, while other research sees little or no difference between prison and the outside sanction. Perhaps most instructive is the research of Joan Petersilia and Susan Turner. These researchers demonstrated that if intermediate sanctions focus strictly on surveillance and control, they will fail; it is imperative that the sanctions also emphasize treatment, rehabilitation, and reintegration goals for the offender.

A significant amount of research still needs to be conducted to examine the various intermediate sanctions and their potential effect on offenders and the communities involved. Future research should focus on improving probation and intermediate sanctions, while also examining offender accountability and recidivism rates. In addition, it is important for all probation departments to understand that one-size-fits-all programs will not suffice; each offender is unique with issues specific to that person. In addition, matching specific cases to a specific intermediate sanction will affect the eventual outcome of the offender.

Although intermediate sanctions are still a relatively new form of punishment being used in the criminal justice system, the method appears promising. Keeping low-level and nonviolent offenders out of prison increases their chances of staying in touch with their community and receiving treatment that would potentially decrease chances of recidivating. In addition, the preclusion of more prisoners into an already overcrowded system makes intermediate sanctions more appealing and cost-effective. Currently, the movement toward rehabilitation has been helping popularize intermediate sanctions as an effective punishment method.

Katherine Polzer

See also Drug Courts; Juvenile Drug Courts; Recidivism; Sentencing

Further Readings

Braithwaite, J. (1989). *Crime, shame, and reintegration*. Cambridge, UK: Cambridge University Press.

Dal Pra, Z. (2006). Community corrections' quest to predict violence. *Criminology & Public Policy*, *5*(4), 779–784.

Maxwell, S. R., & Gray, M. K. (2000). Deterrence: Testing the effects of perceived sanctions certainty on probation violations. *Sociological Inquiry*, *70*(2), 117–136.

Petersilia, J., & Turner, S. (1990). *Intensive supervision for high-risk probationers: Findings from three California experiments*. Santa Monica, CA: RAND.

Ulmer, J. (2001). Intermediate sanctions: A comparative analysis of the probability and severity of recidivism. *Sociological Inquiry*, *71*(2), 164–193.

Wood, P., & May, D. (2003). Racial differences in perceptions of severity of sanctions: A comparison of prison alternatives. *Justice Quarterly*, *20*(3), 605–631.

Interracial Crime

Many sociological studies have examined how economic deprivation acts as a precipitating factor in the commission of crime across various races, and the basic theme is that poverty in a stratified society weakens institutional and social bonds. Scholars have noted that economic hardship has been especially critical in understanding the disparity occurring frequently between the crime rates of Blacks and Whites in the United States. This is particularly pronounced for Blacks, who have disproportionately higher rates of violence. Researchers have commonly assessed whether racial disparities in socioeconomic conditions influence racial differences in crime rates. They have noted that economic inequality often creates resentment and anger on the part of Blacks about what they face in competing with Whites for scarce jobs and other resources. According to criminologists, when the disadvantaged realize that they share common economic interests but are unable to get fair redistribution of resources, they become angry and frustrated; this situation can lead to committing crime against others. While this relative deprivation perspective examines the criminogenic effects of interracial inequality, other social scientists have argued that other experiences stem from economic inequality that shape group experiences independent of whether or not the individual group members experience

relative deprivation. This entry reviews the research on interracial crime as well as how racial threat theory has been applied to interracial crime.

Research on Interracial Crime

Recent work that examined the association between economic inequality and crime found different measures of global inequality, interracial economic inequality, and/or intraracial inequality in assessments of the linkage. Previous research indicated that Blacks used other Blacks as a reference point for assessing themselves and that variations in race-based crime rates are best predicted by within-group, rather than between-group, economic inequality. This is best evidenced in studies that compare race-specific arrest data drawn from the FBI *Uniform Crime Reports* (UCRs) with National Crime Victimization Survey (NCVS) victimization data relating to the race of criminal offenders to determine the relative amount of crime committed by Blacks and Whites. Most robbery victims in the NCVS report their assailants to be Black, and the people arrested for robbery by police are also Black. Blacks are overrepresented in the UCR arrest data for the crimes of rape, aggravated assault, and simple assault. Some have argued that this overrepresentation is due to the fact that crimes involving Black offenders are less apt to be reported to police than are crimes involving White offenders.

Critics of the NCVS have posited that the data ignore crimes committed against businesses, government, and religious organizations, and tend to overinflate rates of crime for cities with a large nonresident population. Other studies that have used NCVS data to assess the connection between economic inequality and race-specific crime levels are also vulnerable to these criticisms. Still others indicate that although causes behind the predominantly intraracial nature of violent crime remain important for study, the proposition that Black offenders' racial hatred for Whites is what prompts high levels of interracial offending is often dismissed. Events of criminal violence motivated by racial hatred can occur in some instances. Other studies have shown that aggregated patterns demonstrate that assault offenders do not exhibit a general propensity to select victims interracially. Rather, these studies indicate that although violent offenders tend to select victims intraracially at the local level, the intraracial character of violent offending varies by crime, offender race, and locale.

Other criminologists have shown that assault is predominantly intraracial across offense and offender levels, and in some cases criminal assault is less intraracial than expected, with White offenders victimizing interracially more than random selection would expect. Recent studies have also shown that not only do Black offenders not have a propensity to select White victims for crimes of violence, but if they demonstrate a propensity, it is to select victims within their own race. That the pattern persists even when local-level segregation is taken into account makes it apparent that factors beyond residential segregation operate to produce predominantly intraracial assault offending, according to additional researchers. Hence, research studies have also shown that White and minority populations are not just segregated residentially but also segregated into different incomes, jobs, and career trajectories as well as different levels in the educational system. Here it is suggested that various factors contribute to variations in the rate of crimes that occur and exist across dimensions of race.

Theoretical Explanations of Interracial Crime

While most studies of interracial crime test the propositions derived from various theories, relatively few studies examine the association between factors derived from racial threat theory and interracial crime. Much of the research from the conflict perspective focuses on how powerful groups in society use state control to protect their position from competing subordinate groups. The racial threat perspective maintains that the maneuverings of the criminal justice system are used to control minority groups who threaten the interests of the dominant groups. Specifically, researchers have argued that as the size of the Black population grows larger, Whites increasingly view Blacks as a threat to their political and economic success. Whites then react to this threat by discriminating against Blacks so as to maintain their dominant position. Blacks will then lash out at those who are viewed as the oppressors and causes of their plight.

Racial threat is based on political competition and economic competition. In some cases, researchers

have noted that Black political mobilization is related to the amount of discrimination directed at Blacks by the state and by individuals. As the political threat increases, discriminatory acts and social control efforts against Blacks intensify to pacify the perceived threat of Blacks. However, once the Black population eclipses the size of the White population, these discriminatory practices diminish because Blacks displace Whites as the majority group. Others assert that gains in Black political power serve to decrease acts of violence perpetrated by Blacks against Whites. Previous scholarship suggests that incidents of interracial violence are a reaction to the subordinate status of Blacks relative to Whites. Hence, group conflict theories generally and racial threat theory specifically have fostered several studies that evaluate whether the discriminatory treatment of Blacks is influenced by changes in factors that may be regarded as threatening the dominant position of Whites.

Zina McGee and Tyrell Connor

See also Colonial Model; Conflict Theory; Hate Crimes; Intraracial Crime; Minority Group Threat

Further Readings

D'Alessio, S. J., Stolzenberg, L., & Eitle, D. (2002). The effect of racial threat on interracial and intraracial crimes. *Social Science Research, 31,* 392–408.

Koch, L. W. (1995). Interracial rape: Examining the increasing frequency argument. *American Sociologist*, *26*, 76–86.

Wilbanks, W. (1985). Is violent crime intraracial? *Crime and Delinquency*, *31*, 117–128.

Intimate Partner Violence

See Domestic Violence; Domestic Violence, African Americans; Domestic Violence, Latina/o/s; Domestic Violence, Native Americans

Intraracial Crime

Intraracial crime is crime in which the victim and the offender are of the same race. It is most applicable in the context of heterogeneous societies, that is, in societies, such as the United States, where the potential victim pool is composed of more than one racial group. Of the Federal Bureau of Investigation's Part I crimes (homicide, forcible rape, assault, robbery, arson, larceny-theft, motor-vehicle theft, and burglary), most of the recorded data, in which the race of both the victim and the offender is known, centers around violent offenses, such as forcible rape, robbery, aggravated assault, and homicide. National-level arrest statistics indicate that most violent crime is intraracial. This has been shown to be especially true of homicide and assault. Fewer data are available on offender–victim race with regard to property crime, such as burglary, larceny-theft, and arson. This may be because these crimes do not require physical contact between the victim and offender; thus the race of the offender can easily go unknown. However, data that are available in which the race of both the offender and victim is known suggest that property crime is less intraracial than is violent crime.

Patterns of Intraracial Crime

Several studies have been conducted on the intraracial crime patterns among Blacks and Whites, and all have concluded that violent crime is largely intraracial, especially homicide. A classic 1958 study by Marvin Wolfgang found that, in Philadelphia, 94% of the offender–victim relationships examined involved offenders and victims of the same race. Also, a 1965 study of Houston found a similar intraracial homicide rate, approximately 86%, among Mexican Americans. Further, a study of Chicago between the years 1965 and 1973 found that intraracial homicide made up between 86% and 90% of all homicide cases. More recent studies indicate a continued trend. According to a U.S. Department of Justice report, in 2005, about 93% of Black homicide victims and 85% of White homicide victims in single victim/single offender homicides were killed by someone of their same race. National-level data regarding intraracial crime among other races are scant because many crime statistics categorize all other races as "other." However, Department of Justice data collected between 1993 and 1998 indicated that 58%

of those of "other races" were murdered by an "other race" person. Studies of victim–offender relationships for both simple and aggravated assault show that the preponderance of assault offenses is, like homicide, intraracial. National Crime Victimization Survey (NCVS) data from 2005 indicate that 67% of total assaults on White victims were at the hands of White offenders. Likewise, 69% of total assaults on Black victims were at the hands of Black offenders. A 2006 study also suggested that assault is more intraracial than interracial. Using National Incident-Based Reporting System (NIBRS) data, 27 of the largest U.S. cities that recorded NIBRS data between 2002 and 2004 were studied. Though NIBRS is not used nationwide yet, of the cities examined, it was found that White-to-White assault accounted for 47% of the cases, Black-to-Black assault accounted for 38%, Asian-to-Asian accounted for 0.25%, and Native American-to-Native American accounted for 0.14%. Due to the small representation of data, these numbers may not fully reflect the severity of assault; however, the pattern persists that much assault is intraracial.

Robbery seems to be less intraracial than assault and homicide, and more complicated to categorize due to different rates of victimization by race. Again according to 2005 NCVS data, Whites have about the same chance of robbery victimization at the hands of a Black offender as at the hands of a White offender—36% and 37%, respectively. Those of "other races" and cases where the race is unknown also engage in interracial robbery against Whites at a significant rate (26%). Thus it seems where White victims are concerned, robbery is quite interracial. Some criminologists hypothesize that Whites are often the victims of robbery because other groups perceive them as having the material possessions worth stealing (either to sell or to keep).

From the perspective of the Black victim, robbery is highly intraracial. NCVS data suggest that 87% of Black robbery victims were victimized by other Blacks; only 5% were victimized by Whites and 7% by those cases where race was unknown. Thus, whereas robbery is mostly interracial for White victims, it is mostly intraracial for Black victims. Incidentally, Blacks are incarcerated for robbery at much higher rates than other races.

Rape exhibits similar rates of victimization as robbery. Whites have a 44% chance of being raped by another White, a 36% chance of being raped by a Black, and a 22% chance of being raped by someone of "other" or unknown race. But, as was the case with robbery, rape among Black victims is largely intraracial. NCVS data estimate that in 2005, more than 90% of the rapes against Black women were by Black men.

Thus, in keeping with other findings, national-level data suggest that homicide and assault are largely intraracial. In recent years, though, it seems the nature of rape and robbery has moved more toward interracial and less toward intraracial, except when the victim is Black. Again, more data must be collected on victimization rates against other races, and particularly, with the other races separated into specific categories.

Macrostructual Opportunity Theory of Interracial and Intraracial Crime

Many of the studies that investigate the rates of intraracial crime cite macrostructural opportunity causes as an explanation for the high rates of intraracial crime. In short, this suggests that interracial violence is a function of opportunity and access. Because much of the United States is still residentially segregated, it would stand to reason that the intraracial rate of crime is high because offenders choose victims to which they have access and opportunity. Following this logic, if neighborhoods were more racially integrated, intraracial crime would decrease and interracial crime would increase. However, studies suggest that other macrostructural factors, such as income and education, may negate the effect of race on inter- and intraracial crime. That is, in neighborhoods with similar incomes and levels of education, homicide and assault are still likely to be highly intraracial. More study on this is needed.

Conclusion

National-level statistics show that most violent crime is intraracial, including homicide and assault. Although rape and robbery are less intraracial than homicide and assault, both still have significant numbers of same-race

victim–offender relationships. Further, crime patterns indicate that most violent offenders do not exhibit a general propensity to select victims interracially; rather, they tend to select victims intraracially. However, as in the case of rape and robbery, this varies by crime and offender–victim race.

Phillippia Simmons

See also Interracial Crime; Social Distance; Subculture of Violence Theory; Victimization, African American; Victimization, Asian American; Victimization, Latina/o; Victimization, Native American; Victimization, White; Victimization, Youth; Violent Crime

Further Readings

Becker, S. (2007). Race and violent offender "propensity": Does the intraracial character of criminal violence persist locally? *Justice Research and Policy*, *9*(2), 53–86.

Block, R. (1976). Homicide in Chicago: A nine-year study (1965–1973). *Journal of Criminal Law and Criminology*, *66*(4), 496–510.

Harrell, E. (2007, August). *Black victims of violent crime* (Report No. NCJ 214258). Retrieved from Bureau of Justice Statistics: http://www.ojp.usdoj.gov/bjs/pub/pdf/bvvc.pdf

Hindelang, M. (1978). Race and involvement in common law personal crimes. *American Sociological Review*, *43*(1), 93–109.

Humphrey, J., & Palmer, S. (1987). Race, sex, and criminal homicide offender-victim relationships. *Journal of Black Studies*, *18*(1), 45–57.

Klaus, P., & Maston, C. (2006, December). *Criminal victimization in the United States, 2005 statistical tables, National Crime Victimization Survey* (Report No. NCJ 215244). Retrieved from Bureau of Justice Statistics: http://www.ojp.usdoj.gov/bjs/pub/pdf/cvus0502.pdf

Messner, S., & South, S. (1986). Economic depravation, opportunity structure, and robbery victimization: Intra- and interracial patterns. *Social Forces*, *64*(4), 975–991.

Rennison, C. (2001, March). *Violent victimization and race, 1993–98* (Report No. NCJ 176354). Retrieved from Bureau of Justice Statistics: http://www.ojp.usdoj.gov/bjs/pub/pdf/vvr98.pdf

Silverman, R. (1975). Victim-offender relationships in face-to-face delinquent acts. *Social Problems*, *22*(3), 383–393.

IQ

An intelligence quotient (IQ) is a purported measure of an individual's general intellectual ability. Over the past century there have been repeated attempts to link low intelligence with propensity to commit criminal acts and frequent claims that some supposed racial groups (in particular, Blacks) have lower intelligence than others. Critics have rejected such claims as racist pseudoscience.

History

The French psychologists Alfred Binet (1857–1911) and Theodore Simon (1872–1961) devised the first mental tests in 1905, with the aim of identifying schoolchildren who would benefit from special education programs to improve their performance. Binet and Simon attempted to identify an array of intellectual tasks that an average French child of a particular age could be expected to perform. Children who performed more than 2 years below their chronological age were identified as needing special help. The German psychologist Wilhelm Stern (1871–1938) proposed the idea of dividing mental age by chronological age (and multiplying by 100 to avoid decimals) to yield a measure of an individual's relative development, which he called an IQ. Today, IQ is generally determined by mapping relative results onto a normal distribution bell curve with 100 as the center value and a standard deviation of 15 points.

Mental testing was taken up enthusiastically in the United States and Britain, but in both countries it immediately became entangled with hereditarian, biological determinist, eugenicist, and racist ideas. For example, the American psychologist H. H. Goddard (1866–1957), who popularized Binet's tests in the United States, took IQs to represent innate intelligence, a single capacity that could be little changed by education. Goddard attributed most social ills, including crime, to low intelligence, which he linked to limited emotional control and immorality. Goddard advocated institutionalization of the "feeble minded" (whom he designated "morons") to prevent them from reproducing. Goddard's contemporary, Lewis Terman (1877–1956) of Stanford University (who

created the standardized Stanford-Binet IQ tests), made the same link between low IQs and crime, arguing that although not all criminals were mentally deficient, all those significantly below average intelligence were potential criminals. Terman also argued that social classes reflected biologically inherited differences, with members of the lower classes being innately less intelligent, and that there were significant racial differences in intelligence, with American Indians, Mexicans, and Blacks all being, on average, less intelligent than Whites.

Early IQ tests were frequently administered in highly unrigorous ways in the United States, allowing results to be significantly influenced by tester prejudices, inadequate testing conditions, and culturally biased test items. In 1913, Goddard concluded that nearly 50% of immigrants from southern and eastern Europe were "feeble minded." The Harvard psychologist Robert Yerkes (1876–1956) conducted mass testing of army recruits during World War I and concluded that the average mental age of Whites was just 13, with Blacks a little over 10, and various southern and eastern European groups somewhere in between. Yerkes gave these results a hereditarian interpretation; they were used to justify class and racial prejudices and played a central role in justifying the 1924 Immigration Restriction Act, which severely limited immigration from southern and eastern Europe.

What Do IQ Tests Measure?

Mental testing has become more sophisticated since the early 20th century with, for example, removal of the most obviously culturally biased test items. Most modern tests include both verbal and nonverbal test items intended to assess a variety of abilities, including comprehension, vocabulary, arithmetic, short-term memory, and spatial visualization. But there has continued to be much controversy over exactly what IQ tests measure, with opinions varying from the blunt assertion that IQ tests measure intelligence by definition, to the view that they only measure the ability to do well at IQ tests. From the start, the tests have been calibrated to correlate with success in school, but success may be due to a variety of factors, not simply intelligence. Because there is a correlation between scores on the different subtests (an individual who scores well on one subtest is more likely to score well on another), defenders argue that the tests measure an underlying psychological capacity, dubbed "g" to stand for general intelligence. Critics argue that g is simply a statistical artifact and that the tests function to reinforce existing social hierarchies.

One persistent difficulty for those who claim that IQ is a measure of general intelligence is that there is no clear definition of what intelligence is supposed to be, and attempts by experts to come up with such a definition have not produced a consensus. Two ideas commonly associated with intelligence by experts are ability to adapt to one's environment and ability to learn, but IQ tests are not designed to measure either of these capacities. It seems reasonable to associate some of the capacities measured by IQ tests (such as information comprehension and certain kinds of abstract reasoning and problem solving) with intelligence, but in addition to analytical skills, intelligence is generally thought to include practical and creative abilities that IQ tests ignore. The Harvard psychologist Howard Gardner (1943–) has argued that there are in fact as many as eight distinct forms of intelligence. From this perspective, IQ tests should be seen as no more than a way of assessing one kind of intelligence. If intelligence encompasses a variety of distinct capacities, it is unlikely that overall intelligence can be meaningfully ranked on a single linear scale, and even if it could be, a person's IQ score would not be that measure.

Whatever capacities IQ tests measure, the hereditarian assumption that they are largely fixed by an individual's genetic inheritance is no longer tenable. Perhaps the strongest evidence that shows that changed environment can significantly influence IQs is the so-called Flynn effect, named after the intelligence researcher James Flynn (1934–). Flynn discovered that in every country for which there are reliable records, IQ scores have been rising steadily and significantly since the first tests were devised, although periodically the average score is adjusted back to 100. For example, U.S. children with average IQ scores in the 1930s would only score around 80 on today's scale. Because there has not been enough time for significant genetic change over this period, these results indicate that IQs can be

dramatically raised by changed social and environmental factors. Other researchers have noted that the analytical abilities that the tests measure are repeatedly instilled by Western-style education, indicating both that they can be improved and that the tests may still be culturally biased.

IQ and Race

Since the earliest days of mental testing, there have been repeated claims that there are genetically based differences in intelligence between racial groups. These claims were revived in the late 1960s by the Berkeley educational psychologist Arthur Jensen (1923–) and more recently by the Harvard psychologist Richard Herrnstein (1930–1994) and the journalist Charles Murray (1943–) in their highly controversial 1994 book *The Bell Curve*. Jensen pointed to the fact that IQ test scores of Whites in the United States were on average 15 points above those of Blacks and argued that this gap reflects genetic differences between the groups because there is evidence that IQ is highly heritable. Jensen relied on published studies of identical twins by the British psychologist Cyril Burt (1883–1971) to claim that the heritability of IQ is 70%, but after Burt's death it was widely concluded that his data were fraudulent. More reputable studies since that time have yielded estimates of heritability in the United States ranging from 40% to 80%. However, as Jensen's critics pointed out at the time, the heritability of a characteristic (which is a measure of the amount of variation of a trait in a population due to genetic variance) tells us nothing about the explanation for differences in the characteristic between populations. For example, even if the heritability of height in corn plants is 100% and one group of plants is taller than another, the difference between the groups may be entirely due to environmental factors. Herrnstein and Murray acknowledged this but argued that there is indirect evidence supporting the view that the Black-White IQ gap has a significant genetic basis. The year after their book was published, a task force established by the American Psychological Association rejected this conclusion.

Critics of the view that the gap is rooted in genetics have argued that race is a category with no biological significance. The Harvard geneticist Richard Lewontin (1929–), for example, has shown that there is much more genetic variation within supposed racial groups than there is between them. These critics also note that races are socially constructed, making a biological explanation for cognitive differences between them implausible. Others have pointed out that the Black–White IQ gap in the United States has narrowed significantly over the past 30 years, suggesting that if environments and educational opportunities were truly equalized, it would disappear completely. One study found that Black children adopted by White families that provided more educationally stimulating environments had IQs that were 13 points higher than Black children adopted by Black families. Another study of German children fathered by, respectively, Black and White American GIs during the post-1945 occupation, found that there was no significant difference between their IQs.

IQ and Crime

In the early 20th century, numerous studies claimed that there was a strong correlation between low IQ and crime, identifying over half of convicted criminals and juvenile delinquents as "feeble minded," but by the 1930s this research had been rejected as worthless. Since the late 1970s, more reputable studies have found a weak correlation between low IQ level and certain kinds of criminal activity—specifically those offenses typically designated as "street crime" (robbery, burglary, arson, and crimes of violence). The correlation does not seem to be fully explained by the hypothesis that criminal offenders with low IQs are simply more likely to be apprehended and convicted, since a correlation remains between IQ level and self-reported crime. But because IQ tests are designed to correlate with school performance and poor school performance is correlated with participation in street crime, a correlation between IQ and street crime is unsurprising. Critics point out, however, that existing studies ignore individuals who engage in so-called white-collar and corporate crime, which may cause more damage to society than street crime, and whose perpetrators quite likely tend to have above-average IQs.

In *The Bell Curve*, Herrnstein and Murray argue that the correlation between IQ and street crime supports shifting resources away from social programs aimed at reducing poverty and unemployment or rehabilitating criminal offenders and focusing instead on tougher punishment as the most effective strategy for reducing crime. Following a detailed analysis of the data, however, Francis Cullen (1951–) and others conclude that Herrnstein and Murray greatly inflate the importance of IQ. When other criminogenic factors are taken into account, IQ is found to have only a very small effect on criminal behavior, explaining at best less than 4% of the variation in crime rates from one decade to another. Herrnstein and Murray also make the unwarranted assumption that IQ scores cannot be significantly boosted. Even if this assumption were true, the factors with the strongest effects on crime (such as associating with other delinquents who foster antisocial behavior) are also known to be changeable through appropriate intervention, including funding for programs of the kind that Herrnstein and Murray reject.

Conclusion

Scientific debate continues over the nature of intelligence and exactly what IQ tests measure. But there is no credible evidence that differences in IQ scores between racial groups have any significant genetic basis or that IQ levels are a significant factor in the explanation of crime.

Philip Gasper

See also Biological Theories; Family and Delinquency; Violent Crime

Further Readings

Cullen, F. T., Gendreau, P., Jarjoura, G. R., & Wright, J. P. (1997). Crime and *The Bell Curve*: Lessons from intelligent criminology. *Crime & Delinquency, 43*, 387–411.

Flynn, J. R. (2007). *What is intelligence? Beyond the Flynn effect*. New York: Cambridge University Press.

Gould, S. J. (1996). *The mismeasure of man* (Rev. & expanded ed.). New York: Norton.

Herrnstein, R. J., & Murray, C. (1994). *The bell curve: Intelligence and class structure in American life*. New York: The Free Press.

Montagu, A. (Ed.). (2002). *Race and IQ* (Expanded ed.). New York: Oxford University Press.

Sternberg, R. J., Grigorenko, E. L., & Kidd, K. K. (2005). Intelligence, race, and genetics. *American Psychologist, 60*, 46–59.

Jackson, George (1941–1971)

A criminal to some and a revolutionary hero to others, George L. Jackson was born in Chicago, Illinois, on September 23, 1941. In 1956 his family moved to Los Angeles, California. In 1960, at the age of 18, George Jackson was accused of stealing $70 from a gas station in Los Angeles. Jackson was advised to plead guilty for a lighter sentence. He took the plea and received an indeterminate sentence of 1 year to life. With no definite time for his release from prison, he served 11 years in the State of California correctional system, until his death in 1971. A leader of the Black Panthers, Jackson was an eloquent advocate for prisoners. This entry examines his life and legacy.

Black Panther Party

Jackson was an active member of the Black Panther Party, the revolutionary group started in 1966 by Huey P. Newton and Bobby Seale. The Black Panther Party's mission was to obtain economic, social, and political equality for Black people. The organization was considered radical because of their willingness to take up arms to fight for their cause. Although Jackson was behind bars and never participated in the Black Panther Party's police standoff or community rallies, he was one of best-known and most celebrated leaders in the party. Other Black Panthers thought of him as a true revolutionary and regarded his life as a symbol of power and strength.

In 1966, while being held at the Soledad Prison (California), George Jackson founded the prison gang the Black Guerrilla Family. The gang was politically driven and founded on some of the principles of Marx and Lenin. The mission of the gang was to destroy racism, maintain dignity while incarcerated, and overthrow the U.S. government. The gang remains organized in many state and federal facilities around the United States.

Because he was very vocal, George Jackson was often held in solitary confinement to stop him from organizing prisoners. Because of his leadership skills and involvement with the Black Guerrilla Family and Black Panther Party, Jackson was often isolated for 24 hours in his cell.

While in isolation, Jackson spent a great deal of his time reading and writing. He used the information he learned to fight for the oppressed behind bars. Jackson read the texts of Marx, Lenin, Trotsky, and Mao and studied the works of W. E. B. Du Bois and Frantz Fanon. He believed they spoke the language of revolution. He transformed himself into a leader and advocate for prisoners.

In his well-received 1970 book, *Soledad Brother*, Jackson chronicled his life and his internal conflicts from 1964 to 1970 through his letters. These memoirs of his experience in prison provided people with an inside view of his struggles and provided a glimpse at how difficult it is to remain strong in the system. Many readers gained insight into his loneliness, illness, and his fight for manhood through the letters. His words would incite

prison advocacy and shed light on the thousands of men and women whom Jackson believed were political prisoners. His letters allowed outsiders not only to empathize with his struggles but also to sympathize with the American prisoner.

In 1970, after Black inmates were shot and the officer who shot them was found to be justified, there was an uprising in the Soledad prison. During the riot a guard was beaten to death. George Jackson and two other prisoners, John Clutchette and Fleeta Drumgo, were charged with the correction officer's murder. The trial of the Soledad Brothers, held in San Rafael, California, was followed closely by the nation and many others throughout the world.

Jackson motivated many young men inside and outside of prison walls to wage war for their dignity, including his teenage brother. On August 7, 1970, Jonathan Jackson, at the age of 17, stormed the courtroom with a machine gun in an attempt to free the Soledad Brothers. Jonathan was shot and killed in the escape vehicle. George Jackson thought of his brother as a hero whose actions were just.

On August 21, 1971, a year after the killing of his younger brother, George Jackson was shot and killed in San Quentin Prison while allegedly attempting to escape. He was found carrying a gun, but it is still under dispute whether he was actually trying to escape or whether the entire event was staged.

Jackson's Legacy

Many convicts and inmates admired Jackson for his leadership and strength. His death sparked rebellions in prisons all over the country. The most famous was the Attica uprising on September 9, 1971. Prisoners took over Attica Correctional Facility in New York and made demands that led to negotiations with the state. On September 13, 1971, negotiations were called off. In the takeover, the state police opened fire, and 29 prisoners and 10 hostages were killed.

Jackson's writings inspired many movements and revolutionary action. In 1975, the George Jackson Brigade was formed. The brigade was an armed guerrilla group that operated in the Pacific Northwest. The group was responsible for several bombings and bank robbery attempts throughout Washington State. The group was not an all-Black organization, and half of the members were women. Many were working-class citizens and ex-convicts. The George Jackson Brigade was shattered by the government. Easter Sunday, 1978, would be one of their last political actions. Many were killed or imprisoned during standoffs with the police, and others were forced to go underground.

George Jackson's determination and uprisings like the one in Attica inspired inmates around the country to stand up for their rights. Furthermore, his life and legacy forced correctional facilities to give more rights to prisoners. George Jackson's life stood as a symbol of revolutionary change.

Teresa Francis

See also Attica Prison Revolt; Black Panther Party; Political Prisoners

Further Readings

George Jackson Brigade. (1970). *The power of the people is the force of life: Political statement of the George Jackson Brigade*. Montreal, QC, Canada: Abraham Guillen Press.

George Jackson Brigade. (2003). *Creating a movement with teeth: Communiques of the George Jackson Brigade*. Montreal, QC, Canada: Abraham Guillen Press.

Jackson, G. (1970). *Soledad brother: The prison letters of George Jackson*. Chicago: Lawrence Hill Books.

Jackson, G. (1990). *Blood in my eye*. Baltimore: Black Classic Press.

Seale, B. (1970). *Seize the time*. Baltimore: Black Classic Press.

Wald, K. (1971). *Remembering the real dragon: An interview with George Jackson May 16 and June 29, 1971*. In W. Churchill & J. J. Vander Wall (Eds.), *Cages of steel: The politics of imprisonment in the United States*. Retrieved from http://historyisaweapon.com/defcon1/jacksoninterview.html

Jamaican Posse

Jamaican posse is the name that is collectively used to refer to different coalitions of Jamaican nationals involved in illegal gang activities in the United States as well as other regions in the world. In the 1980s various Jamaican posse groups

became increasingly and notoriously popular among law enforcement agents in the United States for their involvement in organized criminal activities. Known for their impenetrable criminal networks, sophisticated criminal techniques, and international illegal involvements, the Jamaican posses added a new dimension to the race and crime nexus in the United States. This entry presents information on the criminal enterprise of Jamaican posse groups and illustrates the impact these culturally diverse groups of immigrants have on race, crime, and ethnicity issues in the United States. Details on the origins and Jamaican roots of posse members, their formidable presence in the United States, their multiple and ingenious illegal involvements, and their eventual arrest and prosecution by law enforcement agents are presented.

Jamaican posses have been intricately linked to political parties and politically established communities in Jamaica. In fact, the names used to identify some Jamaican posse groups are names of politically segregated communities in Jamaica. Nevertheless, the direct connections and influential affiliations between U.S.-based posse groups and political parties in Jamaica have been debated. Some researchers believe that although posse members originally had strong ties to political parties in Jamaica, their political loyalties and affiliations with these parties diminished over time as they became more settled and concentrated in various parts of the United States. Conversely, others have claimed that their political and social ties to Jamaica remained strong, and profits made from drug sales and other illegal activities in the United States were used to financially support the two dominant political parties and home communities of posse members.

During the late 1970s and early 1980s, political civil unrest and escalating violence, along with dire economic hardships in Jamaican communities, led to the migration of thousands of Jamaicans to the United States. Once in the United States, the Jamaican posses created and established extensive drug and criminal networks. Posse members were at first heavily involved in the sale and distribution of marijuana, and they competed with other posse groups over the control and statewide distribution of the drug. Although each Jamaican posse had its designated leaders in different urban and suburban jurisdictions, the major posse groups were predominately situated in Jamaican communities in Miami and New York. Two well-known and established Jamaican posse groups in the United States are the Spanglers posse and the Shower posse. Many of their early drug operations went undetected by law enforcement agents and involved minor violent incidents. In time, this changed as the Jamaican posse groups turned their attention to the sale and distribution of crack cocaine, which was not only in high demand at that time but also more profitable than marijuana.

By the mid-1980s Jamaican posses became some of the most organized and lethal drug gangs in the United States. At this time, their criminal networks and organized criminal involvements had grown exponentially and internationally to include other illegal activities, such as the production of fraudulent immigration documents, money laundering, and firearms trafficking. It is estimated that hundreds of Jamaican immigrants had joined different posses and were actively involved in the local and international drug trade in the United States, England, Jamaica, and other Caribbean countries. It is believed that the Jamaican posses were responsible for hundreds of murders, largely within immigrant communities. Posse groups were further involved in interstate and international transshipment of large quantities of high-powered guns that were used in killings in the United States and Jamaica. Jamaican posses were found to be actively operating in at least 11 cities in the United States.

Their entrance into the crack industry resulted in brutal slayings and intergroup retaliatory violence among rival drug dealers. Their involvements in the crack and powder cocaine market led to increased competition and territorial control for drug markets. Eventually, the battle over money, power, and dominance became a racially concentrated crime problem in many core communities across U.S. states where Jamaican posse groups had established their drug operations. Law enforcement investigations, studies, and reports on Jamaican posse groups have revealed that it was their callous and torturous methods of killings that distinguished Jamaican posse groups from other criminal groups in the United States. Given the criminal lifestyle of Jamaican posses, they were labeled by law enforcement agents as one of the most structured and dangerous Black criminal organizations in the United States.

Jamaican posses were viewed as a national threat and problem in the United States. It took a team of law enforcement agents and diligent work by the Bureau of Alcohol, Tobacco, Firearms and Explosives in 1987 to eradicate several Jamaican posse groups. Operation Rum Punch was a nationwide raid specifically formed to arrest, prosecute, and dismantle members of the Jamaican posse groups. This collaborative effort against the posses involved teams of federal, state, and local law enforcement from different states and agencies. The raid successfully led to the arrest of hundreds of posse members and the permanent elimination of many posse groups. Although some Jamaican posse groups remain active today, their presence and illegal involvement are minimal. Notwithstanding the fact that they are no longer a looming problem compared to what they were when they started their criminal enterprise, the presence of Jamaican posses uniquely demonstrates a different type of race and crime phenomenon in the United States because they were Jamaican immigrants who bonded to create a tight-knit criminal enterprise that engaged in crimes that were varied and extensive in nature.

Patrice K. Morris

See also Drug Dealers; Drug Trafficking; Immigrants and Crime; Organized Crime

Further Readings

Gunst, L. (1995). *Born fi' dead: A journey through the Jamaican posse underworld*. New York: Holt.

McGuire, P. (1988). Jamaican posses: A call for cooperation among law enforcement agencies. *Police Chief*, *55*, 20–54.

Japanese Internment

When the Japanese Navy attacked Pearl Harbor on December 7, 1941, the United States entered World War II. The sudden and deliberate attack not only mobilized the U.S. military into action, but federal, state, and local authorities began the process of moving Americans of Japanese ancestry away from the West Coast and Hawai'i. This entry describes the process of Japanese internment, from the first wave of roundups to the return of Japanese Americans to their homes after the war. In addition, it briefly traces the legacy of the internment and discusses redress and reparations that occurred in the latter part of the 20th century.

Pearl Harbor's Immediate Effects

While the U.S. military mobilized for action against the forces of the Axis powers (Germany, Italy, and Japan), local authorities and the Federal Bureau of Investigation began to round up Issei (first-generation Japanese immigrant) leaders in the Japanese American communities in Hawai'i and on the mainland. In the first two days following the Pearl Harbor attack, nearly 1,300 men of Japanese ancestry were rounded up and placed in custody. These men were not held under formal charges, but family members were forbidden to see them. Most spent the war years in enemy alien internment camps run by the U.S. Department of Justice.

Two months later, on February 19, 1942, President Roosevelt signed Executive Order 9066, which allowed military authorities to exclude any group of people from any region for reasons of "military necessity." Executive Order 9066 provided the legal authority behind the mass removal of Japanese Americans from the West Coast.

To assist in the removal, the War Relocation Authority (WRA) was created in March 1942. Shortly thereafter, Congress criminalized the disobedience of military regulations. In other words, failure to abide by curfew orders and exclusion orders meant that criminal sanctions would be applied. The WRA issued exclusion orders for Japanese Americans up and down the West Coast to move out of their homes. Throughout the spring and summer of 1942, civilians of Japanese ancestry and Japanese American citizens (Nisei, or second generation) were forcibly removed from Seattle to San Diego. Most had to sell their property, vehicles, furniture, and businesses for much less than their value. Furthermore, they had few details about where they were headed and how long they would be away.

Assembly Centers and Relocation Camps

A majority of the civilians were taken to a local "assembly center" or temporary detention camp. The most famous assembly centers were racetracks in California—Santa Anita Racetrack in Arcadia and Tanforan Racetrack outside of San Francisco. Detainees cleaned out the horse stables and lived there until "relocation centers" or internment camps could be built in seven states.

A total of 10 major relocation centers housed Japanese and Japanese Americans during the war years. Throughout the summer of 1942, civilians were transferred by train or bus from the assembly centers to the desert and high country (Manzanar and Tule Lake, California; Amache, Colorado; Minidoka, Idaho; Topaz, Utah; Heart Mountain, Wyoming; Poston and Gila River, Arizona) or swampland in Rohwer and Jerome, Arkansas.

Life in the Internment Camps

Life for many in the camps was difficult. About 8,000 to 13,000 people lived in each camp. Residents could bring only a few personal belongings, usually what they could carry. The permanent camps were hastily constructed and initially offered few amenities. Temperatures were high in the summer and cold in the winter.

Barbed wire fences and guard towers with armed sentries surrounded the camps. Living facilities were organized in barracks, composed of four to six rooms. Each room (20 × 25 feet) housed one family (usually two to five people). Eating, bathing, laundry, and recreation facilities were communal. Furniture was made from construction scraps and mattresses from straw. Later, conditions improved as internees could order clothing and other amenities from mail-order catalogues.

Food was a major concern of the internees. The quantity, quality, and distribution of food were insufficient throughout the camps. Fresh meat and vegetables were rare commodities until the camps began to produce their own toward the end of the war. Health care was also a concern as there were only a handful of doctors in each camp.

Of the approximately 120,000 people under WRA control, 90,500 were transferred from assembly centers; 17,500 were taken directly from their homes; 6,000 were born to imprisoned parents; 1,700 were transferred from Immigration and Naturalization Service internment camps; 1,600 were moved after being sent from assembly centers to work crops; 1,300 were transferred from penal and medical institutions; 1,100 were taken from Hawai'i; and more than 200 mostly non-Japanese spouses entered the camps voluntarily.

Eventually, the WRA allowed internees to leave under certain conditions, especially to engage in farming, education, and permanent employment. By 1943 the WRA designated five categories of internees who could leave the camps: seasonal workers, students, those who found nonseasonal employment, armed services volunteers, and individuals thought to be "disloyal" to the United States (these "disaffected" internees were removed to segregated camps or prisons).

Japanese Americans in the Armed Forces

Despite the injustices of the internment, many Japanese Americans sought to show their loyalty to the United States by joining the military service. Unfortunately, after Pearl Harbor the U.S. War Department declared the Nisei unacceptable for military service. The Selective Service changed their classification from 1-A to 4-C ("enemy alien") and exempted them from the draft. Those who were already serving (about 6,000) were immediately dismissed. This action created difficulty for the War Department in Hawai'i, for a number of National Guardsmen were ethnic Japanese or Hawaiian Nisei. Because the military needed the manpower and were impressed by the Hawaiian Nisei's desire to prove their loyalty, by June 1942 a special Nisei Battalion of about 1,500 men—the 100th Battalion—was formed and moved to the mainland. Later that year, the 100th began fighting in Italy.

In 1943 the War Department began to organize a volunteer Japanese American unit and activated the 442nd Regimental Combat Team. Approximately 2,300 Nisei volunteered from the internment camps and joined the army. Others enlisted after they left the camps, while others from Hawai'i filled the ranks. During the war period, about 25,000 Nisei were registered and about 21,000 were inducted. Over 33,000 Japanese Americans served in the U.S. Army during World War II.

The 100th Battalion and the 442nd Regimental Combat Team fought in France and were involved in the invasion of Germany. Other units were returned to Italy during the balance of the conflict and performed important mop-up and other duties. Members of the 522nd Field Artillery were among the advance Allied troops that penetrated southern Germany and were involved in the liberation of the Dachau concentration camp outside Munich. The 442nd became one of the war's most decorated combat teams, receiving seven Presidential Distinguished Unit Citations and earning over 18,000 individual decorations, including 19 Congressional Medals of Honor, 53 Distinguished Service Crosses, 350 Silver Stars, 810 Bronze Stars, and more than 3,600 Purple Hearts.

In addition to the Japanese Americans who served as soldiers in the army, some were recruited and volunteered for a little-known unit known as the Military Intelligence Service. Prior to Pearl Harbor, a few army intelligence officers realized that if a war came, the army would need Japanese language interpreters and translators. In November, 1941, a secret language school was established at the Presidio of San Francisco to teach Japanese to carefully selected U.S. soldiers, most of whom were of Japanese ancestry. The school, called the Military Intelligence Service Language School, moved during the war, first to Camp Savage, Minnesota, then to Fort Snelling, Minnesota. After World War II, the school was reestablished at the Presidio in Monterey, California, as the Defense Language Institute.

Graduates of the school served on active duty in the Pacific theater as interpreters and helped to decode intercepted Japanese battle orders. They wrote pamphlets urging Japanese Imperial troops to surrender and were active in the battles of Iwo Jima and Okinawa, many times exposing themselves to especially hazardous duty trying to convince Japanese soldiers in caves to come out and surrender.

After the Japanese surrender in August, 1945, many Japanese American members of the Military Intelligence Service were involved in the occupation of Japan and performed valuable services in the reconstruction of Japan. By 1946, approximately 6,000 of the total 33,000 Japanese Americans who had served were associated with the Military Intelligence Service.

Returning Home

A few months before the end of World War II, internees were allowed to leave the camps. Of the 120,000 internees, less than half (about 54,000) returned to the West Coast after their incarceration. About 53,000 relocated to the interior of the United States, and nearly 5,000 moved (or were moved) to Japan. About 2,400 joined the armed forces, 1,900 died during imprisonment, and 1,300 were sent to other institutions.

Redress and Reparations for Internment

From the late 1960s to 1988, Japanese Americans sought and obtained an apology from the U.S. government for the internment and reparation payments for time served in the camps. In 1967 Edison Uno, a Nisei, began an informal campaign to educate the public and lobby legislatively for reparations of former internees. His effort, which became known as the redress movement, galvanized support among the Nisei and Sansei (third-generation Japanese Americans) communities.

The redress movement proceeded along three political channels: executive, legislative, and judicial. On the executive front, intense lobbying led to the 1976 repeal of Executive Order 9066 by President Gerald Ford. Legislatively, members of Congress from California and Hawai'i created the Commission on Wartime Relocation and Internment of Civilians, which intensively studied the reasons for the internment and its subsequent harm to U.S. citizens. Its report, *Personal Justice Denied*, showed the governmental racism that drove the removal of Japanese from the West Coast. Judicially, two lawsuits brought the internment to light. In 1983, William Hohri, with other internees, filed a class action suit accusing federal officials of conspiring to deprive Japanese Americans of their rights during the war. Known as the *Hohri* case, the suit was ultimately dismissed by the federal courts as untimely.

The second lawsuit, known as the *coram nobis* cases, reopened the *Korematsu*, *Yasui*, and *Hirabayashi* decisions of the 1940s. In the original cases three individuals were convicted of violating curfews and failing to abide by the exclusion of an area because of military necessity. In the 1980s a

team of attorneys and Fred Korematsu, Min Yasui, and Gordon Hirabayashi sought to reverse their convictions through *coram nobis* proceedings. The trial courts that originally convicted them nullified their convictions 40 years later.

The confluence of executive, legislative, and judicial pressure led to the successful passage of the Civil Liberties Act of 1988. In August 1988, President Ronald Reagan signed the act into law. The Civil Liberties Act acknowledged the "fundamental injustice of the evacuation, relocation, and internment" and "apologized on behalf of the people of the United States" for those actions. Further, the act stated that the internment was "motivated largely by racial prejudice, wartime hysteria, and a failure of political leadership." Restitution in the amount of $20,000 for each surviving internee was authorized. Reparations payments along with a presidential letter of apology began in 1991 and ended in 1998.

Following the Civil Liberties Act of 1988, Japanese American organizations lobbied for and obtained a parcel of federal land on the Washington, D.C., mall near the U.S. Capitol to build a memorial to the internees and war heroes. A national fundraising campaign eventually led to the construction of the Japanese American Memorial to Patriotism During World War II. In November 2000 the memorial was officially dedicated and opened to the public. The memorial is located within three blocks of the U.S. Capitol.

Craig D. Uchida

See also Asian Americans

Further Readings

Daniels, R. (1993). *Concentration camps, North America: Japanese in the United States and Canada during World War II*. New York: Krieger.

Irons, P. (1983). *Justice at war: The story of the Japanese American internment cases*. New York: Oxford University Press.

U.S. Commission on Wartime Relocation and Internment of Civilians. (1997). *Personal justice denied: Report of the Commission on Wartime Relocation and Internment of Civilians*. Washington, DC: Government Printing Office.

Yamamoto, E. Y., Chon, M., Izumi, C., Kang, K., & Wu, F. (2001). *Race, rights, and reparations: Law and the Japanese American internment*. New York: Aspen Law & Business.

Websites

Go For Broke National Education Center: http://www.goforbroke.org

Japanese American Citizens League: http://www.jacl.org

Japanese American Veterans Association: http://www.javadc.org

National Japanese American Memorial Foundation: http://www.njamf.com

Jena 6

For years, racial tensions simmered in the small, rural Louisiana town of Jena. In August 2006 an incident there sparked marches and national discourse on the judicial system and race. This entry examines the circumstances surrounding the incident, the activism sparked by the incident, and the implications of the incident on the following youth who became known as the Jena 6: Robert Bailey, Jesse Ray Beard, Mychal Bell, Carwin Jones, Bryant Purvis, and Theo Shaw.

At Jena High School, White students generally gathered under a large shade tree, referred to as the "White tree," while African American students usually sat on the bleachers. After a Black student asked the principal at an assembly for permission to sit under the tree and the principal indicated that anyone could sit there, a few Black students did so. The next day, nooses were hung from the tree. A few days later, a protest under the tree by African American students prompted school administrators to call the student body into an assembly. District Attorney Reed Walters told the students that if further disruptive behavior occurred, it would become a criminal matter. The teenagers were arrested and remained in jail until September 2007.

Racial tensions escalated at the high school as a result of the incident with the hanging nooses. In a fight between six African American students and two White students, one of the White students, 17-year-old Justin Barker, was beaten and suffered a

concussion. District Attorney Walters charged all six of the Black students with attempted second-degree murder and conspiracy. The students, who ranged in age from 15 to 17, faced up to 80 years in prison without parole. All six students were athletes; five were on Jena's high school football team.

Bell, who was 16 at the time, was the first student to go on trial. He was a football star who hoped to get an athletic scholarship to attend college. It was widely reported that he was an honor student and did not have a prior criminal record. Later, it was learned that Bell had had trouble with the judicial system and was on probation for two counts of battery and criminal damage to property. Bell was not granted bail and remained in jail for a considerable length of time before finally being released in September 2007. He was tried as an adult and convicted of aggravated battery as well as conspiracy. Although his conviction was later overturned, it was not without considerable publicity concerning the judicial system in Jena, Louisiana. On September 20, 2007, the Reverend Al Sharpton, Reverend Jesse Jackson, Martin Luther King III, radio commentator and lawyer Warren Ballentine, and many others converged on the small community to protest the charges and gross disparity in the sentencing that Bell and the other students faced. Sharpton, Jackson, and King led an estimated 20,000 protesters through the streets of Jena. Protesters came from all over the country for the march. Ki-Afi Moyo, organizer of the Dallas-based Internet community "Tx Supports Jena Six," described the protest as a rebirth of the civil rights movement. His group chartered 20 buses and brought 2,000 protesters to Jena.

The three White students involved in hanging the nooses were suspended and initially faced no charges, but after mounting criticism, they were charged with a misdemeanor. Principal Scott Windham had recommended the expulsion of the three students, but the decision was reversed by Superintendent Roy Breithaupt and the Board of Education. When asked if racism played a key role in the sentencing of Bell and the other defendants, Walters noted that no attention had been given to the victim and the serious injuries he had sustained as a result of the beating. In addition to the concussion, Barker suffered a swollen eye.

Many African American residents contend racism remains a major issue in a town that is about 85% White. Over the years, there have been other incidents both in the community of Jena and at the high school. African American residents believe that the latest injustices involving these teenagers further illuminate conditions in a community that has not moved beyond the 1960s in its racial relations. Some residents feel that the school administrators are to blame for allowing the incident with the nooses to escalate and for not handing out the appropriate discipline. They believe that by taking action against the White students, school administrators could have prevented the legal predicament that Bell and the other teenagers confronted.

Media sources called attention to the all-White jury that heard Bell's case. Two potential African American female jurors were not selected. One did not report for jury duty because she had not received her notice in the mail; the other was a sister of one of the defendants.

Though Walters repeatedly denied that the seeking to prosecute the teenagers to the fullest extent of the law was not based on their race, others suggest otherwise. African American residents reiterated that race is very much an issue and had divided the town even before the events of Jena 6. Moreover, civil rights advocates pointed out that despite Walters's reducing the charges to aggravated battery, the punishment did not fit the crime and the charges were excessive.

To get Walters to reopen the case against Bell, the Congressional Black Caucus asked the U.S. Department of Justice to look into the case. In July 2007 the caucus sent a letter to then-Governor Kathleen Blanco asking her to pardon Bell, who by this time was 17 years old. The letter, which also appeared on the Congressional Black Caucus blog, stated the following:

> This tale of two standards depicts a pattern of gross violations. First, it is unfair to punish only the African American students when all the students involved must be taught to take responsibility for their actions. Next, the charges of attempted murder and conspiracy against the African American students carry an 80-year sentence; such punishment far exceeds the offense. Additionally, the judge set outrageously high bails, ranging from $70,000 to $138,000, resulting in the juveniles being stuck in jails for months. The district attorney and the judge are abusing their power and removing the blindfold of justice.

> The racial hotbed that burned for over nine months in Jena should have been contained by school and elected officials. Instead, the students were left to battle this rage without institutional support or resources.

Some residents, both African American and White, felt that the case against Bell, Bailey, Beard, Jones, Purvis, and Shaw was fair. These residents claimed that the media attention heightened racial tension in the community and that divisiveness along the color line was highly exaggerated by the media and civil rights leaders.

After Bell's release, there were concerns that he and his family, as well as the other teenagers and their families, might be targeted by White supremacists, as there had been recent threats made to the parties involved. However, no incidents were reported and after languishing in jail for well over a year, Bell was finally reunited with his family. As part of a plea agreement with Walters, who agreed to drop the conspiracy to commit battery charges against him, Bell pleaded guilty to second-degree battery as a juvenile and was sentenced to 18 months in the custody of the Office of Youth Development. He would serve the 18-month sentence concurrently with a sentence he received in another case. Additionally, he was ordered to pay court and restitution costs as well as the medical bills from Barker's visit to the emergency room, which amounted to well over $5,000. Because Bell has received the most attention, it is unclear from diverse media outlets what has happened to the other teenagers, but the consensus is that once-promising futures have essentially been ruined by the egregious charges.

The Jena 6 case has opened further scrutiny into the practices of how other African American male teenagers are being treated by the judicial system. Jena 6 has forced America to once again examine the role of race in the judicial system. Ultimately, cases such as Jena 6 point to systematic and institutional problems inherent in the judicial process that can be eradicated by acknowledging that in some jurisdictions, there are two justice systems in this country: one Black and the other White.

Yvonne Sims

See also Culture Conflict Theory; Disproportionate Arrests; Interracial Crime; Juvenile Crime

Further Readings

American Civil Liberties Union. (n.d.). *Jena Six cases* [Fact sheet]. Retrieved September 20, 2008, from http://www.aclu.org/racialjustice/racialprofiling/31880res20070917.html

American Civil Liberties Union. (2007, November 20). *Background: Jena 6*. Retrieved from http://www.aclu.org/racialjustice/racialprofiling/31881res20070920.html

Brown, A. (2007, December 4). *Bell admits role in attack*. Retrieved from http://www.thetowntalk.com/apps/pbcs.dll/article?AID=/99999999/NEWS/399990133

Color of Change. (n.d.). *Justice for the Jena 6*. Retrieved August 28, 2008, from http://colorofchange.org/jena/message.html

Farwell, S. (2007, September 20). North Texans marching behind 6 young men in Jena. *Dallas Morning News*. Retrieved November 19, 2008, from http://www.dallasnews.com/sharedcontent/dws/dn/latestnews/stories/092007dnmetjenasetup.3645e08.html

Fears, D. (2007, August 4). La. town fells "White tree," but tension runs deep: Black teens' case intensifies racial issues. *The Washington Post*, p. A03. Retrieved November 19, 2008, from http://www.washingtonpost.com/wp-dyn/content/article/2007/08/03/AR2007080302098.html

Kilpatrick, C. C. (2007, July 26). *The Congressional Black Caucus calls for blind and fair justice in Jena Six case*. Message posted to http://www.house.gov/htbin/blog_inc?BLOG,mi13_kilpatrick,blog,999,All,Item%20not%20found,ID=070726_1016,TEMPLATE=postingdetail.shtml

John Jay College Center on Race, Crime and Justice

The Center on Race, Crime and Justice, located at John Jay College of Criminal Justice, City University of New York (CUNY), is a multidisciplinary entity created to examine the critical issues at the intersection of race/ethnicity, crime, and justice. Emerging out of the need to study the contentious nature of crime and justice in the United States and its connection to issues of race and inequality, the center's main function is to publicize, produce, and disseminate empirical research surrounding various topics related to race, crime, and justice. The center's goal is to improve the

educational experiences of the students and faculty of John Jay College as well as address the concerns of surrounding communities. Embracing sophisticated research agendas, the center aims to develop sound policies that address both systemic and inadvertent bias in the criminal justice system. In the future, the center plans to collect, measure, and analyze data in the area of police use of fatal force and to establish a national database.

Through a visiting scholars program, community partnerships, and collaborative efforts within the college and across the university, center participants conduct funded research focused on major issues related to understanding crime and justice in a diverse society. The findings from these research efforts are disseminated through center-sponsored colloquia and workshops designed to help faculty incorporate discussions of racial and social justice within their course content. John Jay students at every level are encouraged to participate in the research process.

History

Under the leadership of its interim director (now director), Delores Jones-Brown, and with the support of President Jeremy Travis and Dean James Levine, the center began its strategic planning in November 2004. The Center on Race, Crime and Justice was formally established on October 11, 2005. In an effort to integrate the center into the totality of the college, a steering committee was established, bringing together faculty members across disciplines; the committee included the college president, provost, doctoral program executive officer, dean of the Office of the Advancement of Research, and chairs and/or faculty members from seven departments. Other faculty members associated with the center embrace a comprehensive approach to the study of race, crime, and justice and conduct extensive research in these areas.

The first of the center's events culminated in a 2-day planning symposium, held February 18–19, 2005, and funded by a planning grant from the Annie E. Casey Foundation, in which the steering committee received expert advice on the center's mandate and organization. Nine scholars from interdisciplinary academic fields and colleges, community activists, and policy researchers were invited as lead scholars to present concept papers highlighting a suggested mission, focus, and activities for the center. Many grassroots organizations, not-for-profit agencies, and potential funders concerned with issues of race, crime, and justice were also present and provided valuable input in developing the center's mission and goals.

In the spring of 2007, the center welcomed its first visiting scholar, Toni Irving, Assistant Professor of English at the University of Notre Dame. Irving is working on a book titled *Disciplining Bodies: Black Female Sexuality and Citizenship From Jim Crow to the Patriot Act*. Irving's research focuses on the intersection of gender, race, class, and criminal justice and pulls from over 2,000 sexual assault cases of low-income Black women and girls ignored and not investigated in Philadelphia between 1995 and 2000.

Center Events

The center held an inaugural colloquium on December 13, 2005, in which Professors Richard Delgado and Jean Stefancic of the University of Pittsburgh School of Law presented the inaugural address titled "The Role of Critical Race Theory in Understanding Race, Crime and Justice Issues." The center celebrated the 75th anniversary of the infamous Scottsboro Alabama rape case and the 30th anniversary of the pardon of Clarence Norris, the last Scottsboro defendant, with a commemorative symposium titled "Scottsboro Then and Now: The Perpetual Struggle for Justice in the United States." The keynote address was delivered by civil rights attorney Fred Gray, Sr., of Tuskegee, Alabama.

Since its inception, the center has organized numerous faculty-led research discussions covering a range of topics, including African American women's experience with violence and violation, Black resistance to the Ku Klux Klan, African American chronology, and the historical and political implications of the use of the "N" word. Addressing the complex nature of the death penalty in the United States, the center sponsored a series of events (i.e., conferences, lectures, panels and research discussions), including "The Death Penalty in Black

and White," which featured David Kaczynski and Bill Babbitt, whose personal stories shed light on the arbitrary nature of the death penalty; "Race and Death Penalty Research," which presented recent developments in quantitative research on the role of race in capital sentencing; and "A Child in the Electric Chair," highlighting the execution of 14-year-old African American George Stinney, Jr., the youngest child to be put to death in the United States under modern statutes.

The center held an "after innocence" party featuring the award-winning documentary, *After Innocence*, which chronicled the lives of men exonerated and released from prison based on DNA evidence. David Shepard, an exoneree from New Jersey featured in the film, was present to answer questions along with Alan Newton, who was exonerated after serving 22 years; Newton is currently a student at Medgar Evers College, CUNY. To highlight the injustice of the November 25, 2006, shooting of three unarmed minority males, including Sean Bell in the New York City borough of Queens, the center held an emergency forum featuring the award-winning film *Another Mother's Son* to allow students, faculty, community members, and criminal justice officials to address their concerns regarding police accountability and community relations.

Publications

The center's forthcoming publications include an anthology tentatively titled *Writings at the Intersection of Race, Crime and Justice*, which compiles original and reprinted manuscripts from John Jay faculty and a special issue of articles presented at the Scottsboro symposium to be published in the *Journal of African American Studies*. In the future, the center will continue to tackle sensitive issues that address the complex nature of race, crime, and justice in our increasingly diverse society.

An annotated listing of publications by center faculty and visiting faculty is available on the organization's website, along with a bibliography on race and crime.

Kideste M. Wilder-Bonner

See also Police Use of Force; Racialization of Crime

Further Readings

Jones-Brown, D., & Levine, J. P. (2005). *Systematic planning for a center on race, crime and justice to be established at John Jay College of Criminal Justice, City University of New York* (Annie E. Casey Foundation final progress report). New York: CUNY Research Foundation.

Websites

Center on Race, Crime and Justice: http://www.jjay.cuny.edu/centersinstitutes/racecrimejustice

Johnson v. California

The United States currently has more than 5,000 adult prisons and jails, each with its own design features, staffing ratios, design and operational capacity, offender population, and resource level. In these facilities, administrators are responsible for maintaining order and preventing violent incidents. Risk assessment and classification are useful tools for managing inmate populations, and since 2005 they have become even more critical for prison culture as U.S. jails and prisons are no longer able to segregate inmates—based on their racial and/or ethnic background alone—for extended periods of time within the institution. According to the Commission on Safety and Abuse in America's Prisons:

> Reducing violence among prisoners depends on the decisions corrections administrators make about where to house prisoners and how to supervise them. Perhaps most important are the classification decisions managers make to ensure that housing units do not contain incompatible individuals or groups of people: informants and those they informed about, repeat and violent offenders and vulnerable potential victims, and others who might clash with violent consequences. And these classifications should not be made on the basis of race or ethnicity, or their proxies. (Gibbons & Katzenbach, 2006, p. 29)

This entry examines the U.S. Supreme Court decision in *Johnson v. California* (2005), which

examined the constitutionality of segregating inmates based on race.

The *Johnson* case stemmed from the unofficial policy of the California Department of Corrections (CDC) of segregating new inmates, two per cell, for a 60-day evaluation and assessment period. In testimony before the Court, officials from the CDC asserted that the rationale behind pairing inmates in cells by race or ethnicity during the risk assessment and classification period was to offset potential violence caused by racial gangs existing within the state's correctional system. The key questions facing the Court were whether institutional security overrode the prohibition of segregating public institutions imposed by its decision in *Brown v. Board of Education* (1954) and whether this temporary housing of inmates by race or ethnicity constituted "segregation" as defined in *Brown*. Indeed, lower court testimony included confirmation that a number of states utilize the "pairing" of inmates of the same race or ethnic background for a limited duration (from hours to days) when an inmate is transferred to a new facility. However, inmate background characteristics are considered ahead of race or ethnicity in these circumstances, such as type of offense, age, and gang affiliation (if any). California's unwritten policy of segregating by race or ethnicity for as long as 60 days was unique in American corrections.

The U.S. Ninth Circuit Court of Appeals ruling was based on the traditionally recognized "institutional needs" of correctional facilities that justify restrictions on the individual rights of inmates. Broadly categorized, these institutional needs include maintenance of institutional order, maintenance of institutional security, safety of prison inmates and staff, and rehabilitation of inmates. The Ninth Circuit ruled that prisoner safety and institutional control were legitimate correctional interests, and therefore, any infringement upon the plaintiff's individual rights was superseded by the interests of the facility and did not violate the equal protection clause of the Fourteenth Amendment. Counsel for the State of California had successfully argued that the CDC's policy could be interpreted as falling under the institutional needs of order maintenance and security and therefore should not be reviewed under the standard of "strict scrutiny." Strict scrutiny is the most stringent standard of judicial review within a hierarchy of standards that U.S. courts use to weigh asserted government interests against the constitutional rights of citizens.

Johnson's attorneys petitioned the Supreme Court arguing that the Ninth Circuit "erred in failing to apply 'strict scrutiny' and asking that the CDC be required to demonstrate that the policy is narrowly tailored to serve a compelling state interest." The Court stopped short of labeling the CDC's policy unconstitutional; rather, the case was remanded back to the Ninth Circuit for ruling under strict scrutiny guidelines.

Some observers found the Supreme Court's action in *Johnson* curious in that the Court had 30 years prior established a "balancing test" for similar lawsuits that weighed prisoners' rights claims against the legitimate needs of prisons (*Pell v. Procunier*, 1974). Some had gone as far as to say that the Supreme Court absolved itself of the challenges associated with ruling on this case by failing to invoke the balancing test itself and by remanding the case back to the Ninth Circuit. The case is also noteworthy in that the Ninth Circuit, which covers northern California, is usually seen as the most liberal U.S. Circuit Court in the nation, yet it upheld a public institution's policy of segregating individuals on the basis of race, ethnicity, or both.

The implications of *Johnson* for correctional management, both in California and nationwide, are yet to be determined. Advocates of the Supreme Court's decision in *Johnson* argue that the CDC's policy was shortsighted, even absent the temporary segregation of inmates by race. Most would agree that race or ethnicity alone is not an optimal quality by which to classify inmates, as the sort of tensions and conflicts the CDC was hoping to quell could result from numerous differences between inmates of the same race or ethnicity—CDC administrators testified to this assertion in court. Thus, from a managerial standpoint, the policy may have been flawed before it had even become a prisoners' rights case. In response, the Department of Justice developed a set of standards to be included in a performance measurement system for state correctional facilities. Standard 4 relates to the development of "offender profiles," and within this standard, demographic characteristics are but one of five "context indicators" for assessing institutional performance.

While assessments of *institutional* performance may not be at the top of the priority list for prison administrators, the criteria outlined also serve as a more useful tool for *inmate* assessment. A majority of state correctional systems use this multivariate approach to classification and risk assessment and did so prior to the *Johnson* legal proceedings. It is likely that a renewed emphasis on assessment of inmates at intake will replace the CDC's policy of race-based placement.

Don Hummer

See also Prison, Judicial Ghetto; Prison Gangs; Sentencing

Further Readings

Byrne, J. M., & Hummer, D. (2007). In search of the "tossed salad man" (and others involved in prison violence): New strategies for predicting and controlling violence in prison. *Aggression and Violent Behavior*, *12*, 531–541.

Gibbons, J. J., & Katzenbach, N. de B. (2006). *Confronting confinement: A report of the Commission on Safety and Abuse in America's Prisons*. New York: Vera Institute of Justice. Retrieved from http://www.prisoncommission.org/pdfs/Confronting_Confinement.pdf

Johnson v. California, 543 U.S. 499 (2005).

Pell v. Procunier, 417 U.S. 817 (1974).

Robertson, J. E. (2006). Foreword: "Separate but equal" in prison: *Johnson v. California* and common sense racism. *Journal of Criminal Law and Criminology*, *96*, 795–848.

Robinson, B. N. (2006). *Johnson v. California:* A grayer shade of *Brown*. *Duke Law Journal*, *56*, 343–375.

Schmalleger, F., & Smykla, J. O. (2009). *Corrections in America* (4th ed.). New York: McGraw-Hill.

Taylor, J. (2004). Racial segregation of California prisons. *Loyola of Los Angeles Law Review*, *37*, 139–152.

Wright, K., Brisbee J., & Hardyman, P. (2003). *Defining and measuring performance*. Washington, DC: U.S. Department of Justice.

Jury Nullification

Serving on a jury is considered to be a duty of all American citizens. Jury nullification exists when a jury ignores the facts presented in court, the legal aspects of the case, or both, and votes based on conscience, personal values and beliefs, or preconceived biases and prejudices. Through jury nullification, a jury has the power to bring about a verdict that is outside of what is expected or required by facts and law. This entry examines jury nullification by presenting it within the contexts of its history, race, ethnicity, and its future use in the criminal justice system.

History

In the initial stages of building the modern-day American criminal justice system, the concept of a "jury of peers" was introduced in the court system. This concept, still promoted today, was intended to ensure that a defendant would be judged fairly by presenting the case to a group of common citizens. These citizens are specifically not involved in the legal profession so as to be completely objective in the case at hand. The burden of proof is the responsibility of the prosecution, and the defendant is presumed innocent until proven guilty. This type of trial is and continues to be a cornerstone of the American criminal justice system.

Jury nullification was adopted by Americans and used as early as the 17th century. Its use was originally based on the common law and British antecedents that viewed the role of the jury to include judging the law and the facts. If jurors believed a conviction was unjust, they were not compelled to convict. Throughout American history, jury nullification was considered a protective device for some citizens. During the 19th century, jury members sometimes used nullification in capital punishment and fugitive slave cases in the North. In 1895 the U.S. Supreme Court ruled in *Sparf and Hansen v. United States* that nullification was acceptable. Over time jury nullification, though rarely used, has received more attention. Several cases during the 1990s, including the trials of former Mayor Marion Barry and O. J. Simpson, raised issues regarding whether or not juries composed of minority members (e.g., African American, Latina/o), would be more likely to acquit a minority defendant regardless of the facts of the case presented in court.

Race and the Jury

Citizens that serve on juries are considered to be peers of the defendant. Systematic discrimination that occurred in the early stages of the evolution of criminal justice excluded both women and minorities from jury pools. In *Strauder v. West Virginia* (1880), the Supreme Court held that excluding Blacks violated the equal protection clause of the Fourteenth Amendment, but this right was not systematically enforced until much later. In the 1940s, Congress approved of minorities serving on juries, even though it was much later when equal opportunity in jury duty actually occurred. Since the late 1960s, juries have become more representative of the communities and citizens they serve even though jury selection may not lead to equal representation if the jury pool is ethnically diverse. In some jurisdictions, minorities are still underrepresented in the jury pool and excluded during the voir dire. In others, where minorities are the majority of the population, the jury pool is predominantly minority.

Paul Butler was one of the first lawyers to identify the issue of race and jury nullification. During training for federal prosecutors in Washington, D.C., he was told that some Black jurors would not convict guilty Black defendants. For Butler, race-based jury nullification resulted from the larger issue of how race matters in the legal system. Butler offers several explanations to help understand why, in some situations, Black jurors ignore the evidence and acquit someone who is guilty. He believes that African Americans have a moral right and obligation to protest unjust laws and to be guided by what is just in cases involving nonviolent crimes.

Conclusion

The ability of juries to determine that defendants should not be punished for their acts, regardless of whether or not they broke the law, is controversial. Many argue that jury nullification has tainted the traditional jury by allowing such power to be exploited for personal or cultural use. Others argue that jury nullification is a myth and that color sensitivity and prejudice naturally occur in juries regardless of race. In spite of the controversy, nullification is not frequently used. More research is needed to better understand race and jury nullification.

Jennifer Lasswell

See also Jury Selection; O. J. Simpson Case

Further Readings

Butler, P. (1995). Racially based jury nullification: Black power in the criminal justice system. *Yale Law Journal*, *105*, 677–725.

Free, M. D., Jr. (Ed.). (2003). *Racial issues in criminal justice*. Westport, CT: Praeger.

Horowitz, I. A. (1985). The effect of jury nullification instruction on verdicts and jury functioning in criminal trials. *Law and Human Behavior*, *9*(1), 25–36.

Otto, C. W., Applegate, B. K., & Davis, R. K. (2007). Improving comprehension of capital sentencing instructions: Debunking juror misconceptions. *Crime and Delinquency*, *53*, 502–517.

Schuetz, J., & Lilley, L. S. (Eds.). (1999). *The O. J. Simpson trials: Rhetoric, media, and the law*. Carbondale: Southern Illinois University Press.

Strauder v. West Virginia, 100 U.S. 303 (1880).

Weinstein, J. (1993). Considering jury "nullification": When may and should a jury reject the law to do justice? *American Criminal Law Review*, *30*(2), 239–254.

Jury Selection

The jury selection process is one of the most important components in the American criminal justice system; however, it has been questioned whether court participants receive a fair trial under the present process. Juries have often not been representative of defendants' peers. Some argue that this reinforces group stereotypes and leads to biased verdicts and sentences, especially in cases involving race. This entry examines the controversy surrounding race and the jury selection process, paying particular attention to case law, racial bias, and scientific research.

The Jury Selection Process

The Sixth Amendment of the U.S. Constitution guarantees that in all criminal prosecutions, the

accused is guaranteed the right to a speedy and public trial by an impartial jury in the state in which the crime was committed. The Supreme Court has held that the purpose of the Sixth Amendment is not only to guard against governmental power exercised by overzealous prosecutors and judges but also to protect litigants and defendants from jurors who are unwilling or incapable of rendering unbiased verdicts in a court of law (see *Peters v. Kiff*, 1972).

Voir dire is the process by which jurors are determined unbiased and therefore suitable to serve on a jury. During voir dire, potential jurors can be struck from selection either "for cause" or peremptorily. "For cause" challenges require proof that potential jurors cannot view the case without bias or that their biases may prevent them from making decisions based solely on the evidence presented at trial. In contrast, peremptory challenges allow counsel to eliminate potential jurors without reason.

In theory, peremptory challenges allow counsel to excuse a juror who may be biased against their clients or may not support a favorable outcome, even if the judge has rejected a "for cause" removal. In practice, the peremptory challenge has caused a great deal of controversy. Opponents of the peremptory challenge argue that the use of group stereotypes during jury selection perpetuates bias and stigmatizes certain groups during voir dire. In addition, these critics maintain that peremptory challenges are often used as a pretext to dismiss jurors because of their race, thus creating an atmosphere of suspicion and disbelief among potential jurors, members of the court, and society as a whole.

Case Law, Jury Selection, and Race

To remedy discriminatory practices that have affected defendants' right to a fair and impartial jury and to eliminate racially based exclusions in the jury selection process, the Supreme Court has delivered several important rulings. *Swain v. Alabama* (1965) held that the state's intentional denial of jury participation on the basis of race violated the rights of the defendant as guaranteed by the equal protection clause of the Fourteenth Amendment for defendants. The ruling, however, did not ensure that a particular jury would reflect the racial diversity of the community in the jurisdiction where the trial was held. The Constitution does not guarantee defendants the right to a proportionate number of jury members of their race. In addition, the *Swain* decision determined that it was the defendants' burden to demonstrate a systematic pattern of discrimination involving the use of peremptory challenges in order to have a valid Fourteenth Amendment challenge. Some have claimed that this portion of the ruling made it difficult (or impossible) for defendants to prevail.

In *Batson v. Kentucky* (1986), the Supreme Court reaffirmed the *Swain* decision. The Court continued to stress that using peremptory challenges to excuse prospective jurors based solely on race was impermissible; however, the Court held that potential jurors were also denied equal protection under the Fourteenth Amendment if they were excluded from jury service because of their race, thus shifting the focus from the rights of defendants to the rights of potential jurors. In addition, the *Batson* Court held that the standard in *Swain* had been too restrictive. Prior to *Batson*, practices such as handing out instruction books to prosecutors advising them to eliminate minorities from the jury had been common. *Batson* established that defendants would have a claim of discrimination if there had been purposeful racial discrimination demonstrated by the prosecutorial use of peremptory challenges to remove potential jurors of the defendant's race. The Court, however, did not establish the criteria for proving purposeful racial discrimination, thereby making it difficult for lower courts to determine precisely what factors were necessary to prove that potential jurors were excluded for permissible reasons and not because of racial discrimination.

The Court extended the basic structure of *Batson* in two subsequent cases, holding that striking potential jurors on the basis of ethnicity (*Hernandez v. New York*, 1991) or gender (*J.E.B. v. Alabama*, 1994) was also prohibited. More recently, the Court reaffirmed these holdings in *Miller-El v. Dretke* (2005) and *Johnson v. California* (2005). Thus, the Court continues to emphasize that it is impermissible to exclude potential jurors based on race, ethnicity, or gender but resists establishing clear guidelines for lower courts to use in determining what constitutes an improper use of peremptory challenges.

Racial Bias and Jury Selection

Considering these rulings, one would assume that the practice of eliminating members of the jury pool based on race would be eradicated; however, doing so requires that the courts both recognize and confront racist attitudes and actions within the criminal justice community. Research suggests there is substantial racial bias within the jury selection process. The literature suggests that both the prosecution and the defense adopt parallel group stereotypes in the jury selection process as they believe they know which racial group will best serve their case. Counsel base their decisions on perceptions about the relationship between the racial composition of the jury and the outcome of the trial, despite the fact that there is little evidence that the jury's racial composition alone can predict the outcome of a trial. In reality, peremptory challenges are often based on information that is, at best, based upon weak predictions about the relationship between race and juror decisions. Nevertheless, court actors continue to use hunches and inaccurate stereotypes when selecting juries.

Critics of the jury process note that race continues to play an important role in jury selection, regardless of Supreme Court decisions. These scholars argue that racial discrimination against potential jurors remains pervasive throughout the selection process. They argue that *Batson* does more to enhance the appearance of fairness in the jury selection process than it does to ensure a racially unbiased method of seating a jury. One scholar observed that given the pervasive use of challenges to eliminate jurors based upon their race, one would expect there to be a profuse number of appeals relating to the jury selection process; however, national studies find that claims of discrimination on this ground are rare in both state and federal courts. Moreover, when these claims are raised, they are rarely successful. Thus, it appears that the practice of eliminating potential jurors because of their race is a widespread practice and that judges accept the practice. Rather than delving into whether attorneys are discriminating against potential jurors, judges are likely to accept peremptory challenges without question.

There is little motivation for judges to address the use of racial bias in the jury selection process. Addressing the use of racial pretexts would create an extra workload for an already overburdened court system. The only remedy that the courts are willing to impose for using racial bias in peremptory challenges involves seating a new jury. Limiting courts to this remedy means that the misuse of peremptory challenges can be corrected only by a time-consuming process of selecting a new jury, if possible; this may be seen as compromising the defendant's right to a speedy trial. As a result, sanctioning attorneys for such abuses are seen as unproductive; nevertheless, sanctions could ensure that attorneys might be less inclined to misuse such challenges in the future.

Research on Jury Selection and Race

Historically, legal scholarship examining the issue of race and jury selection rarely has relied upon social science research. Attorneys are rarely trained in social science methodologies and often are unfamiliar with the basic research in the field. As a result, they may rely upon hunches, stereotypes, gut feelings, and past experiences to guide the jury selection process.

Although social science research was generally ignored in the jury selection process until the early 1970s, newer studies and jury pool consultants have advanced the state of knowledge in the field. These studies generally use attitudinal scales and assessments of background characteristics to test for relationships among variables, using mock juries or focus groups to identify significant associations that might affect the outcome of a trial. These variables then are used in the voir dire process to identify potential jurors who may provide a favorable outcome for counsel; however, research on actual or potential jurors is relatively rare.

Research on the effect of race in the jury selection process can be categorized into four general methodologies: (1) archival analyses of actual verdict outcomes, (2) mock jury experiments that simulate the jury process, (3) surveys about perceptions of the jury process, and (4) interviews and surveys of jurors and potential jurors. These varying methodologies have produced mixed results. Most existing research, however, suggests that minority defendants are viewed in a more negative light than are White defendants. Research on mock

juries and archival studies support this conclusion. Likewise, research on attitudes toward the judicial system and jury selection provides evidence that many African Americans view the system as biased and unfair. African Americans also are more likely to support the idea that juries need to be racially representative to ensure fair outcomes. Finally, research on potential jurors finds that African Americans report more bias in the justice system. Ironically, they also do not believe they are more likely to be excused from jury service because of their race, despite the fact that they appear to be disproportionately excused by prosecutors. Other important factors besides race, however, also appear to affect these views, including age, income, and general perceptions of system fairness.

Although there has been a recent increase in the research conducted on the connection between racial bias and the jury selection process, many believe that additional research in this area is needed. Mock jury studies provide important information in the area, but these studies are merely substitutes for research on actual jurors. With the limited number of studies on juror perceptions, conclusive evidence on the subject and solutions to the problems cannot be obtained. Additional research should focus on increasing sample sizes, response rates, and participation by minorities. In addition, studies need to be more representative of the general population. Current studies overrepresent Whites, higher-income individuals, and those who have actually shown up for jury service. These studies also underrepresent minorities, especially those who are not of African American descent.

Although the Supreme Court has held that excluding potential jurors on the basis of race is impermissible, and critics have argued that race plays an undeniable role in peremptory strikes, empirical examination of the issue remains limited. Not only is more research needed, but research also needs to address the issues in a more complex way. The criminal justice system is a complex organism that has many branches. If we are to gain a better understanding of perceptions of racial bias in the system, it is imperative that we begin to reject the notion that these views can be assessed by examining a single encounter with one aspect of this complex system.

Tammy S. Garland, Helen Eigenberg, and Karen McGuffee

See also *Batson v. Kentucky*; Jury Nullification; *Norris v. Alabama*

Further Readings

Bader, C. G. (1996). *Batson* meets the First Amendment: Prohibiting peremptory challenges that violate a prospective juror's speech and association rights. *Hofstra Law Review*, *24*, 567–621.

Baldus, D. C., Woodworth, G., Zuckerman, D., Weiner, N. A., & Broffitt, B. (2001). The use of peremptory challenges in capital murder trails: A legal and empirical analysis. *University of Pennsylvania Journal of Constitutional Law*, *3*, 4–170.

Batson v. Kentucky, 476 U.S. 79 (1986).

Charlow, R. (1997). Tolerating deception and discrimination after *Batson*. *Stanton Law Review*, *50*, 9–64.

Hafemeiser, T. L. (2000). Supreme Court examines impact of errors in detecting bias during jury selection. *Violence and Victims*, *15*(2), 209–224.

Hurwitz, J., & Peffley, M. (2005). Explaining the great racial divide: Perceptions of fairness in the U.S. criminal justice system. *Journal of Politics*, *67*, 762–783.

Levine, J. P. (2000). The impact of racial demography on jury verdicts in routine adjudication. In M. Markowitz & D. Jones-Brown (Eds.), *The system in Black and White: Exploring the connections between race, crime and justice* (pp. 153–170). Westport, CT: Praeger.

McGuffee, K., Garland, T. S., & Eigenberg, H. (2007). Is jury selection fair? Perceptions of race and the jury selection process. *Critical Journal of Crime, Law and Society 20*(4), 445–468.

Ogletree, C. (1994). Just say no! A proposal to eliminate racially discriminatory uses of peremptory challenges. *American Criminal Law Review*, *31*(4), 1099–1151.

Rose, M. R. (1999). The peremptory challenge accused of race or gender discrimination? Some data from one county. *Law and Human Behavior*, *23*(6), 695–702.

Rose, M. R. (2003). Symposium: III. The jury in practice: A voir dire of voir dire: Listening to jurors' views regarding the peremptory challenge. *Chicago-Kent Law Review*, *78*, 1061.

Juvenile Crime

Children in American society have, historically, been regarded as innocent beings who are still at a relatively early stage of their development and are

behaviorally, cognitively, and emotionally immature. Society is keen to impute to children all of the characteristics that are believed to represent the vulnerable nature of childhood—goodness, inexperience, and blamelessness; consequently, when children violate the law, social sensibilities are offended. It is inconceivable that one so young could commit so horrendous an act as robbery, rape, or murder. Yet juveniles (as the law regards those who have not yet reached the age of majority in a given jurisdiction) commit crimes varying from the more trivial (such as truancy or petty vandalism) to the gravest (such as arson or homicide), and the law has established mechanisms to deal with those eventualities. This entry examines the types of behaviors that constitute juvenile crime, as well as the characteristics of juveniles who are most frequently arrested for their unlawful actions, and concludes with a brief overview of possible explanations for juvenile crime. It is noteworthy that a significant proportion of these juveniles are individuals of color, and accordingly, criminologists continually strive to explore the relationship between race and formal processing by the justice system.

Defining Juvenile Crime

Generally, the definition of juvenile crime comprises three elements: age, behavior, and adjudication. In other words, to be described as a juvenile delinquent, an individual must be of a certain age, have behaved or acted in a way that has been designated as unlawful, and have been formally processed and given the label of a juvenile criminal or delinquent.

Age

Depending on the particular jurisdiction, the *age* criterion may vary. State statutes prescribe the upper and lower limits of the jurisdiction of the juvenile court, thereby signifying the age at which a juvenile can first be held legally culpable for his or her actions (the age of responsibility) as well as the age at which a juvenile is automatically excluded from juvenile court jurisdiction. Children younger than the age of responsibility are presumed to be incapable of forming *mens rea* (criminal intent) and consequently are ineligible to be prosecuted for their actions. Any individual who has attained the age of responsibility but who is younger than the age of majority as dictated by state statute may be regarded as a juvenile.

Conduct

The second element in juvenile crime pertains to the wrongfulness of the *conduct* involved; in other words, whether or not the action that has been committed constitutes a crime. The same behaviors that are considered unlawful or criminal if engaged in by adults are likewise regarded as unlawful or criminal if engaged in by juveniles. Additionally, juveniles are precluded from engaging in certain behaviors that are permissible if engaged in by adults, such as truancy, drinking, smoking, running away from home, having undesirable companions, and being disobedient to parents and teachers. These behaviors are called status offenses and are considered to serve as an early warning system of potential risk; a juvenile who drinks, smokes, skips school, and runs away from home is believed to demonstrate by his or her actions that something is amiss at home or at school and that, if left untreated, further problematic behavior may ensue. Action is believed to be warranted, then, in the juvenile's best interest as well as in the interest of public order and safety.

Adjudication

Finally, unlawful behavior by young people is not officially classified as juvenile crime until it has been formally ascribed that label through the process of *adjudication*. Since 1899, a juvenile justice system has existed to handle the formal processing of young offenders who are presumed, by virtue of their actions, to require some measure of court intervention. The creation of the juvenile court in Cook County, Illinois, at the end of the 19th century was the culmination of the widespread efforts of a group of social reformers who called themselves the Child Savers. These middle-class philanthropists and activists, many of them women, viewed children's lawbreaking behavior as the by-product of poor parenting and exposure to corruptive influences, and they believed that a special paternalistic body should be put in place to ensure that children were shown the error of their ways and set back on the path to righteous action.

Thus the juvenile court, as initially conceived, was designed to function along the lines of the doctrine of *parens patriae*, where the State would assume quasi-parental status in determining how best to treat a particular child and prevent future recidivism. The aim of the juvenile justice system as it was first created was to provide individualized treatment and care for young offenders instead of subjecting them to the punishment that invariably would be doled out if they were treated as adults. In recent years, some criminologists have argued that crime prevention and deterrence measures aimed at juvenile offenders have become increasingly punitive and that the original philosophy of the creators of the juvenile court has been gradually eroded. Indeed, the actions of some juveniles are seen as so egregious that it is believed the juvenile court system as initially conceived is ill equipped to address them appropriately, and consequently, the juvenile court system has in place a variety of mechanisms whereby particular practitioners (namely, judges, prosecutors, or even legislators) can waive jurisdiction over specific groups of individuals on the basis of certain aggravating factors; these individuals, then, would be tried as adults in the criminal justice system. Regardless of the specific system in which adjudication takes place, it is only following formal processing that the wrongful behavior of a young person can officially be called "juvenile crime."

Statistics on Juvenile Crime in the United States

Despite media reports that persistently convey the impression that juvenile crime rates continue to increase and that the American public is currently faced with a new breed of juvenile superpredators, the likes of which have never previously been seen, statistical data actually reveal that the reverse is true. According to *Juvenile Offenders and Victims: 2006 National Report,* published by the Office of Juvenile Justice and Delinquency Prevention (OJJDP), the arrest rate for violent juvenile crime has declined consistently over the past 10 years and continues to do so to the extent that it currently stands at its lowest since at least the 1970s. Likewise, downward trends in the commission of property crimes by juveniles suggest that juveniles generally are committing fewer delinquent and criminal acts than in previous years, with the exception of weapons law violations and drug offenses.

Not all juveniles commit crimes at the same levels of frequency and severity. Juvenile crime is overwhelmingly a male phenomenon, with the majority of offenses being committed by boys. Until relatively recently, the presumption was that girls are simply uninvolved (or at least involved to a lesser degree) in such activities as gang behavior and bullying, but criminologists now recognize that girls simply commit these crimes in different ways than boys do. For example, while boys tend to bully utilizing direct, aggressive means (such as kicking, punching, hitting, stealing, and so on), girls resort to more indirect, insidious methods (such as spreading malicious gossip, ostracizing individuals, proposing dangerous dares, and others). As a result, girls' behavior is less likely to be identified by teachers and school administrators as bullying, and fewer recorded instances of their actions are likely to follow. Nonetheless, despite these challenges in identifying and recording violent acts by girls, the OJJDP has reported that while juvenile violence overall has been decreasing, the proportion of female violent crime arrestees has increased, particularly for assault.

Similarly, juveniles who commit crimes are not equally likely to be arrested for their unlawful conduct; minority juveniles are disproportionately likely to be arrested and formally processed. The OJJDP estimates that the rate of arrest of African American juveniles in 2004 for violent crime was more than 4 times the rate of arrest for White juveniles and for Native American juveniles and almost 10 times greater than the rate of arrest for Asian American juveniles. This disparity, however startling, has declined since the 1980s, at which time African American juveniles were arrested for violent crime at more than 6 times the rate of arrest for White juveniles. Arrests for property crimes in 2004 also revealed a disparity among racial and ethnic groups, albeit somewhat lower. African American juveniles were arrested for property crimes at 2 times the rate of White juveniles and Native American juveniles and 4 times the rate of Asian American juveniles. Debates continue to transpire among criminologists as to whether this differential rate of arrest of juveniles for the commission of both violent and property

crimes is due to institutional racism within the criminal and juvenile justice systems or to the increased criminality or delinquency among members of minority groups who are statistically more likely to be faced with a multitude of social problems such as poverty, unemployment, and poor educational opportunities.

Explaining Juvenile Crime

Explanatory factors to account for juvenile crime range from those focusing on the individual—such as a child's genetic makeup, neurological deficits, personality disorders, subconscious psychological conflict, and even biochemical agents that may be ingested through diet or environmental pollutants—to those focusing on the social environment. Sociological theories of juvenile crime may fall into one of two categories: those based on social structure and those based on social process. First, theories of *social structure* posit that individuals may engage in criminal behavior as a result of the social strain caused by economic disparities or other inequities that are the by-product of the social and political system. Those children who grow up in impoverished, rundown housing and who are judged by their teachers according to middle-class values and experiences may find that they never quite measure up. In retaliation, and in an attempt to rebel against the sense of frustration and dejection that they may experience, they may reject those middle-class norms and standards and become instead everything that those who espouse middle-class ideals seem to revile. They may, in a sense, deliberately become drug dealers or thieves to flout the middle-class ideology that they feel has let them down.

Other sociological perspectives focus less on the individual's place in the social structure and more on the importance of relationships, or *social process*. These approaches examine the role that various agents, such as the family, the school, the church, the peer group, and to some extent the media, play in the socialization process as an individual learns the cultural norms and mores of a given society. The family is the primary agent of socialization. Parents dictate not only the rules by which a child must live but also the child's exposure to other agents of socialization. For example, parents determine what kind of school a child will attend and may further affect the choice of school by where they opt to live. This decision will ultimately impact the kind of education that a child receives and the extent to which he or she identifies with academics. In short, the home environment may be the most influential factor in shaping the kind of individual a child grows up to be, as the family is a force that can either inhibit or promote delinquency. Those children who are raised in homes that are nurturing, warm, and loving are likely to feel connected and to become positively attached, clear-headed, future-oriented individuals; conversely, those children reared in environments characterized by strife, conflict, and constant bickering are more predisposed to becoming anxiously attached, impulsive, and exhibiting low self-control.

One of the areas of greatest debate centers around the link between broken homes (those family environments in which one parent is permanently absent) and criminality, the main premise being that if a child's development is disrupted through abandonment, divorce, separation, or death, then that disruption is likely to result in cognitive, affective, or psychological problems. Moreover, there is some concern that with only one parent present (and probably obligated to work), the amount of time a child spends unsupervised may lead to problematic behavior. The counterargument to this position suggests that, first, homes with parents who are abusive or argumentative may provide a far more dangerous environment to a developing child than those homes where a parent is absent; and, second, that in many instances, older siblings, after-school care providers, or other appropriate adults may provide the necessary alternative supervision to keep a child out of trouble.

Leanne Owen

See also Female Juvenile Delinquents; Juvenile Waivers to Adult Court; Myth of a Racist Criminal Justice System; Sentencing; Violent Juvenile Offenders; W. Haywood Burns Institute for Juvenile Justice Fairness and Equity; Youth Gangs; Youth Gangs, Prevention of

Further Readings

Huizinga, D., & Elliott, D. S. (1987). Juvenile offenders: Prevalence, offender incidence, and arrest rates by race. *Crime and Delinquency*, *33*, 206–233.

Muncie, J. (2004). *Youth and crime*. Thousand Oaks, CA: Sage.

O'Mahony, D. (2000). Young people, crime, and criminal justice: Patterns and prospects for the future. *Youth and Society*, *32*, 60–80.

Snyder, H. N. (2006). *Juvenile arrests 2004*. Retrieved from Office of Juvenile Justice and Delinquency Prevention: http://www.ojjdp.ncjrs.gov/publications/PubAbstract.asp?pubi=236114

Snyder, H. N., & Sickmund, M. (2006). *Juvenile offenders and victims: 2006 national report*. Retrieved from Office of Juvenile Justice and Delinquency Prevention: http://ojjdp.ncjrs.org/ojstatbb/nr2006/index.html

Juvenile Drug Courts

Juveniles and adults have historically been treated differently in the criminal justice system. On the basis of the notion that juveniles are more amenable to treatment, alternative forms of corrections and sanctions for young offenders have been developed over time. Juvenile drug courts are just one of many examples of alternative ways in which *some* juveniles under the age of 18 are handled in the criminal justice system. This entry presents a summary of the history, organization, and effectiveness of juvenile drug courts, as well as an examination of racial and ethnic cleavages in these courts.

History

Juvenile drug courts came into existence in response to a rise in the number of juvenile drug arrests clogging the judicial system in the 1990s. This was also occurring in the midst of the rise in court systems that were developed to handle special cases. Some examples of boutique court systems include gun control courts, adult drug courts, domestic violence courts, and mental health courts.

Juvenile drug courts provide a departure from the traditional juvenile justice systems insofar as they looked at arrests as a sign of a larger problem in need of intervention and treatment. That is, drug offenses were seen as less of a criminal issue and more of a symptom of a larger drug use problem. Buttressed against this change in perspective regarding drug arrests, juvenile drug courts also redefined the role of the judge, lawyer, and accused, thus creating a cooperative environment that tries to pool key players in community services together with those in the justice system in order to rehabilitate rather than punish the offender.

Juvenile drug courts were originally developed to provide services to young drug users in a way that brought together individuals from myriad social service programs. These individuals, prosecutors, defense attorneys, judges, drug treatment providers, and social workers, work together to establish the best course of action for young offenders.

Organization

Previous scholarship has indicated that there are five principles that differentiate juvenile drug courts from other judicial systems. First, juvenile drug courts provide immediate intervention. As compared to other systems of justice that are habitually slow to process and apply sanctions, drug courts are supposed to be expedient and thus try to provide services as soon as possible to the offender. Second, they are nonadversarial in nature. Rather than organized like a traditional trial where the prosecution and defense present their case, this nonadversarial approach is more holistic in nature and includes the participation of treatment providers. Third, they require a certain amount of judicial involvement that goes beyond simple decision making to active participation in the determination of what is best for the accused. As part of the nonadversarial approach, judges can ask questions and play a central part of managing the case. Fourth, juvenile drug courts also incorporate treatment programs into the judicial system that have structure and well-defined organizational objectives. Finally, these court systems include lawyers, caseworkers, judges, treatment providers, and others into the sentencing phase.

Even though these principles are used by scholars to differentiate between juvenile drug courts and other systems of justice, extensive research has uncovered the fact that no juvenile court system is exactly like the next. Each state has its own system, and each county has its own way of implementing programs and handling offenders. Accordingly,

there is significant variation in the kinds of program available, treatment facilities used, and resources put into curtailing juvenile drug use and crime.

Effectiveness

Given the growth in popularity of juvenile drug courts, much research has been conducted to evaluate whether participation in drug court programs reduces recidivism and drug use among juveniles. The results of these studies have demonstrated mixed findings, and theoretical explanations for the varied results are also inconclusive. Most of the scholarship in this area is divided into three camps. There are those who say drug treatments issued by juvenile drug courts are effective at reducing future arrests and subsequent drug use. A second camp of scholars suggests that these programs do not work but rather cast a net so broadly that they actually increase the likelihood of juveniles testing positive for minor drug infractions and criminal events. In the final camp are scholars who believe that these programs neither help nor hurt juveniles and are no more effective in reducing recidivism and drug use than preexisting programs or doing nothing at all.

Racial and Ethnic Cleavages

The impact of drug courts and treatment programs is highly suspect to many scholars who study the intersection of race and crime. Their research has continually found that the impact of such programs exacerbated preexisting cleavages among Whites and ethnic/racial minorities. Youth who are from poor, less-educated, and minority heritages are less likely to be diverted into drug court programs, receive adequate services, and succeed in these programs. The data suggest that ethnic minorities are less likely to complete the programs they are sent to and more likely to test positive for harder drugs than are their White counterparts. There is no conclusive evidence that this can be fully attributed to differences in drug-using behavior. In general, scholarship that has looked specifically at the effectiveness of drug courts has been inconclusive.

Jennifer Christian

See also Drug Courts; Drug Treatment; Drug Use by Juveniles; Juvenile Crime; Juvenile Waivers to Adult Court

Further Readings

Rodriguez, N., & Webb, V. J. (2004). Multiple measures of juvenile drug court effectiveness: Results of a quasi-experimental design. *Crime & Delinquency*, *50*, 292–314.

Sampson, R. J., & Laub, J. H. (1993). Structural variations in juvenile court processing: Inequality, the underclass, and social control. *Law & Society Review*, *27*, 285–311.

Sloan, J. J., III, & Smykla, J. O. (2003). Juvenile drug courts: Understanding the importance of dimensional variability. *Criminal Justice Policy Review*, *14*, 339–360.

Juvenile Waivers to Adult Court

Juvenile waiver is a process that permits transfer of jurisdiction over juveniles to the adult court system. A waiver system for serious violent and/or habitual juvenile offenders has been created by legislative initiatives in all 50 states and the District of Columbia. Juvenile waivers are sometimes referred to as either transfers or certifications and are based on the assumption that some crimes by juveniles are so serious that they warrant criminal prosecution. However, juvenile waivers represent a departure from the original goals of the juvenile justice system, which focused on protecting and rehabilitating youth offenders. Critics of juvenile waivers also argue that they have had a dramatic impact on increasing the rate of disproportionate confinement of minority youth. This entry first reviews the development of the American juvenile justice system and juvenile waivers. It then describes the "get tough" philosophy toward juvenile offenders that emerged during the latter part of the 20th century. Lastly, the entry presents types of waivers and examines race and the impact of juvenile waivers on minorities, especially African American youth.

Development of the American Juvenile Justice System

The American juvenile justice system grew out of the efforts of early reformers, who emphasized the welfare of children and recognized the diminished mental capacity of children relative to adults and involvement in criminal or delinquent activity. Following the English, early reformers accepted the common law practice that prevented any child under the age of 7 from being found criminally liable. Children between the ages of 7 and 14 enjoyed similar protection from criminal liability unless proven to the contrary. Reformers advocated for moral and educational training of children and the elimination of arbitrary forms of punishment. To salvage the lives of juveniles and ensure the tranquility of society, early American reformers also adopted the concept of *parens patriae* (i.e., the State as the ultimate parent), age classifications for delinquent juveniles, youth institutions, and apprenticeship programs.

Early efforts to save children fostered the creation of the first house of refuge in New York City in 1825. A primary aim of the houses of refuge was to provide facilities for children only. Despite the noble origins, it was not long before institutions began housing nonoffending and offending juveniles, without due process of law, until their 21st birthday. During the 19th century, African American youth were not afforded the same opportunities for rehabilitation. Segregation and limited resources were common. At the time, it was common practice for youth to be placed in the homes of (White) families as a form of punishment and rehabilitation; African American youth were harder to place than were White youth. Before and after the Civil War, African American youth continued to be treated as adults and did not receive more lenient treatment until after the creation of the first juvenile court in the United States in Cook County, Illinois, in 1899.

By 1925, all but two states had passed laws establishing juvenile courts. By this time, child savers who were concerned with the well-being of American youth were instrumental in creating juvenile facilities. Although most juveniles were treated like adults prior to the reform efforts in the 19th century, the importance of separating them from adults in facilities and courts was recognized and accepted in the 20th century. Since the creation of juvenile courts, they have retained the right to waive juvenile offenders to adult court and did so. One criticism of the juvenile court movement was the failure to recognize juveniles' rights to due process during juvenile hearings. To remedy this, the U.S. Supreme Court established due process rights for juvenile delinquents during the 1960s. Cases such as *Kent v. United States* (1966), *In re Gault* (1967), *In re Winship* (1970), *McKeiver v. Pennsylvania* (1971), and *Breed v. Jones* (1975) established constitutional rights, including, but not limited to, the right to counsel, freedom from self-incrimination and double jeopardy, the right to cross-examine witnesses, and the right to due process. *Kent v. United States* and *Breed v. Jones* provided due process guarantees during waiver proceedings.

It was during the mid-1980s that the use of waivers increased as a result of several factors, including rising rates of delinquency, juvenile arrests for violent crimes, and acceptance of the prevailing "nothing works" doctrine that diminished the importance of rehabilitative approaches.

Emergence of a "Get Tough" Philosophy Toward Juvenile Crime

The "get tough" approach to juvenile offending resulted in setbacks for the juvenile justice system and the youth it seeks to salvage. Advocates of rehabilitation argue that getting tough on crime by waiving and sentencing juveniles to adult correctional systems is an illogical approach by justice officials and legislatures. They criticize the get tough philosophy embodied in juvenile waivers and adult imprisonment policies for failing to take into account research suggesting that inferior socioeconomic conditions are causal factors of juvenile crime and delinquency. In spite of opposition, waivers have emerged as an important tool in efforts to prevent and control juvenile delinquency.

Some support for the impact of the get tough movement on juvenile waivers is found in the reported data on waivers. According to the Office of Juvenile Justice and Delinquency Prevention, the number of waivers steadily increased between the mid-1980s and mid-1990s and then began to decrease, a reflection of decreases in reported

juvenile crime between 1994 and 2004. Fewer cases were waived in 2001 and 2002 compared to 1985. With the exception of the years 1989 through 1991, when drug offense cases were waived more often, between 1985 and 2002 most cases that were waived were for person offenses.

The get tough movement assumed that treating juveniles like adults would deter juvenile crime. Even though there are few recent national studies, the available research on the effect of waivers on deterrence and recidivism is mixed. Some recent studies report limited general and specific deterrence and increases in recidivism for juveniles waived when compared to juveniles adjudicated in juvenile courts.

Types of Juvenile Waivers

Juvenile waivers may take one of three forms: judicial, prosecutorial, or legislative. With a judicial waiver, the juvenile court judge is the primary decision maker as to whether the juvenile is deemed appropriate for adult prosecution. The judicial waiver takes place in the form of a hearing. The prosecutor requests that the juvenile court judge waive the court's jurisdiction over the youth's violation and transfer the matter to adult court for criminal prosecution. The decision of the judge is typically based on what is referred to as a "goodness of fit" test. This test routinely considers several factors that include, but are not limited to, the juvenile's age, prior offenses, amenability to future treatment, family status, past treatment failures, present offense seriousness, and the need for public safety. The three criteria bearing most weight in the decision are age, present offense seriousness, and amenability to future treatment. A youth's assessment regarding amenability to future treatment is normally determined by primary factors that include psychological testing, the availability of alternative dispositions, and the time available for treatment or sanctions. Despite established criteria, states vary in the flexibility afforded judges in determining judicial waiver. Some states grant complete discretion to the judge, whereas other states either outline circumstances under which judicial waivers are mandatory or establish presumptions in favor of judicial waivers. This type of waiver was the initial primary method of transfer for most states.

A prosecutorial waiver is another type of juvenile waiver. This type of juvenile waiver, also referred to as direct file or concurrent jurisdiction, grants discretion to the prosecuting attorney as to whether the juvenile will be charged in adult court or granted disposition in juvenile court. As is done with the judicial waiver, the prosecutor (in some states) typically takes into account factors such as the seriousness of the offense, past criminal record, and amenability to treatment. The prosecutorial waiver has been deemed an executive function paralleling decision making involved in other charging pronouncements. Unlike a judicial waiver, a prosecutorial waiver is not subjected to the constitutional criteria of due process for juveniles as established in *Kent*. The prosecutor's decision to charge a juvenile as an adult can be reversed only by a criminal court judge. In reversing a prosecutorial waiver, the criminal court judge must feel that the juvenile and the public's interest will be better served in juvenile court. The practice of a criminal court judge sending a case back to juvenile court under these criteria is referred to as decertification, or a reverse waiver.

The third type of waiver is the legislative provision waiver. This type of waiver, adopted by state legislatures, sought to hold juveniles more accountable by removing waiver decisions from judges and prosecutors. These legislative waivers also drastically curtail the jurisdictional boundaries of the juvenile court through legislative amendments. The legislative waiver or statutory exclusion automatically places youth meeting the established criteria, typically by offense, into the adult system at the time of arrest. The juvenile court has no jurisdictional oversight.

Legislative waivers have strong public support primarily because they tend to be more uniform in their application and seek to incarcerate violent juveniles. It is worth noting that these types of waivers typically have minimum age and offense requirements (typically, violent offenses and some felonies). Despite the option of allowing cases to be decertified by the juvenile court, most legislative waivers and amendments have adopted the policy of "once an adult, always an adult." With the present ideological climate toward juvenile offending, this type of waiver has grown in utility and furthered the transition of viewing juveniles like adults.

The increased use of juvenile waivers and concern about their impact have resulted in the enactment and growth of reverse waivers. Reverse waivers, which exist in over 20 states, are forms of legislation that allow criminal courts to remand cases of juveniles to juvenile courts based on the type of offense, the amenability of the juvenile, or both. Typically, reverse waivers allow for individual reviews of juvenile cases waived to adult courts. Also, reverse waivers simultaneously identify a range of cases appropriate for criminal prosecution. In some states with reverse waivers, the criminal court judge may impose a juvenile disposition in lieu of a criminal disposition. Generally, reverse waivers use the "best interest" criteria like that of the juvenile court.

Race and Juvenile Waivers

The unprecedented use of juvenile waivers today is indicative of a shift in public opinion and the law toward holding juveniles more accountable for criminal violations. High-profile violent juvenile crimes and the news media's sensationalization of them have dramatically affected the landscape of juvenile justice. Juveniles are increasingly viewed as rational young adults rather than adolescents. The decision to waive or transfer a juvenile to juvenile court is still rare even though more juveniles are waived than in the past. During the past 2 decades, Black youth were more likely to be waived than were White youth. Some of the disparity is due to the disproportionate arrest of Black youth for person offenses that are more likely to result in waivers.

The 2006 report of the Office of Juvenile Justice and Delinquency Prevention, titled *Juvenile Offenders and Victims: 2006 National Report*, states that an estimated 96,655 juveniles were in residential placement facilities in 2003, and approximately 59,000 were minorities. Opponents of juvenile waivers believe they have increased the rate of disproportional confinement for African American youth in juvenile and adult facilities.

Conclusion

It may seem logical to some that the adult correctional system should seek to provide as much special assistance as needed for youthful inmates because of the likelihood of their experiencing difficult adjustments to the adult correctional environment. Opponents of juvenile waivers will continue to highlight the potential dangers and marginal resources available for youthful inmates. Contrarily, proponents and policymakers will contend that removing violent, repeat juveniles from the general population is necessary.

Willie M. Brooks, Jr., and Tonya Y. Willingham

See also Child Savers; Disproportionate Minority Contact and Confinement; Houses of Refuge; *In re Gault*

Further Readings

Breed v. Jones, 421 U.S. 519, 533, 95 S.Ct. 1779, 1787, 44 L.Ed.2d 346 (1975).

Finley, M., & Schindler, M. (1999). Punitive juvenile justice policies and the impact on minority youth. *Federal Probation, 63*(2), 11–15.

In re Gault, 387 U.S. 1, 19–21, 26–28, 87 S.Ct. 1428, 1439–1440, 1442–1444, 18 L.Ed.2d 527 (1967).

In re Winship, 397 U.S. 358, 90 S.Ct. 1068, 25 L.Ed.2d 368 (1970).

Kent v. United States, 385 U.S. 541, 86 S.Ct. 1045, 16 L. Ed.2d 84 (1966).

McKeiver v. Pennsylvania, 403 U.S. 528, 547, 91 S.Ct. 1976, 1987, 29 L.Ed.2d 647 (1971).

Snyder, H. N., & Sickmund, M. (2006). *Juvenile offenders and victims: 2006 national report*. Retrieved from Office of Juvenile Justice and Delinquency Prevention: http://ojjdp.ncjrs.org/ojstatbb/nr2006/index.html

Ziedenberg, Z., & Schiraldi, V. (1998). Risk juveniles face when incarcerated with adults. *Reclaiming Children and Youth*, 7(2), 83–86.

KENNEDY V. LOUISIANA

The case of *Kennedy v. Louisiana,* decided by the U.S. Supreme Court on June 25, 2008, has again brought the death penalty to the forefront of the legal debate in the United States concerning the Eighth Amendment's prohibition against cruel and unusual punishment. Although the Court did not discuss race in its decision, the fact that the defendant was African American does make the case significant with respect to race and the death penalty. This entry presents a review of several death penalty decisions, the facts and decision in *Kennedy v. Louisiana*, and the significance of the decision.

Capital punishment has a checkered history in the United States, where, in contrast to most developed nations in the West, the death penalty is still upheld as a legitimate punishment for certain criminal acts. In *Furman v. Georgia* (1972), the U.S. Supreme Court recognized that the death penalty was applied in a haphazard and discriminatory manner, noting that its arbitrary application indicated racial bias against Black defendants. The decision in *Furman* invalidated many existing capital punishment statutes. In 1976, however, the Court held in *Gregg v. Georgia* that the death penalty in and of itself did not amount to cruel and unusual punishment and thus did not violate the Eighth Amendment.

However, the U.S. Supreme Court has recognized some limitations on the application of the death penalty. It is unconstitutional to execute juveniles—minors under the age of 18—under the Court's ruling in *Roper v. Simmons* (2005). In *Atkins v. Virginia* (2002), the Court held that it is unconstitutional to execute those who are mentally retarded (2002). Under the Court's decision in *Coker v. Georgia* (1977), it is unconstitutional to execute those who have been convicted of the rape of an adult. In *Kennedy v. Louisiana*, the Court ruled that it is a violation of the Eighth Amendment's prohibition of cruel and unusual punishment to impose the death penalty for the rape of a child when the crime did not result, and was not intended to result, in the death of the child. Thus, the imposition of the death penalty in the case of Patrick Kennedy was found to be unconstitutional.

As indicated in, among others, *Furman v. Georgia*, the fact that significantly more African American persons have been sentenced to death for similar crimes for which Whites had not been so sentenced was a basis for declaring the death penalty unconstitutional. Thus, *Kennedy* can be seen as a further step in establishing criteria for the use of capital punishment that help prevent the arbitrary application of the death penalty prohibited by *Furman*.

The Facts

The essential facts of the case are as follows: In 1998, Patrick Kennedy raped his 8-year-old stepdaughter, causing severe injuries that required emergency surgery. The defendant attempted to blame the rape on some neighborhood boys, but

the defense was rejected by the jury. He was found guilty of aggravated rape and was sentenced to death, as allowed by the laws of Louisiana. The conviction was affirmed by the Louisiana Supreme Court. Kennedy appealed to the U.S. Supreme Court, which accepted certiorari.

The Supreme Court's Decision

The Court's decision was limited in its scope. It focused on the facts of the case and whether it is constitutionally permissible to apply the death penalty to a person who has raped a juvenile, when the juvenile has not died. In *Kennedy v. Louisiana*, the Court ruled that an application of the death penalty in such circumstances is prohibited by the Eighth Amendment. However, the scope of the legal principle that the death penalty is not appropriate where a person has not committed homicide has yet to be fully tested.

Significance of the Ruling

Kennedy had been convicted and sentenced to death before the trial court, and his appeal to the Louisiana Supreme Court had been denied. Not until his appeal to the U.S. Supreme Court was the imposition of the death penalty reversed. This procedural history clearly shows that there are still problems with the imposition of the death penalty.

The decision did not explicitly recognize that the defendant was African American. However, this factor cannot be ignored, especially considering the extensive history of disproportionate application of the death penalty to racial minorities in the United States. It is undisputed that, as a general rule, African Americans have been more severely punished for crimes than Caucasians who have committed the same crimes, including the crime of rape.

Although the decision in *Kennedy v. Louisiana* applies to all persons, regardless of race or other minority status, the fact that Kennedy is African American does suggest that African Americans are starting to make inroads into the racial discrimination that has for so long marred the American criminal justice system.

William C. Plouffe, Jr.

See also *Coker v. Georgia*; Death Penalty; *Furman v. Georgia*; *Gregg v. Georgia*; Martinsville Seven; *Roper v. Simmons*

Further Readings

Atkins v. Virginia, 536 U.S. 304 (2002).
Coker v. Georgia, 433 U.S. 584 (1977).
Del Carmen, R. V., et al. (2005). *The death penalty: Constitutional issues, commentaries and case briefs*. New York: Anderson/Mathew Bender/LexisNexis.
Furman v. Georgia, 408 U.S. 238 (1972).
Gregg v. Georgia, 428 U.S. 153 (1976).
Hood, R. (1989). *The death penalty*. New York: Oxford University Press.
Kennedy v. Louisiana, 554 U.S. ___ (2008).
Kleck, G. (1981). Racial discrimination in criminal sentencing. *American Sociological Review, 46*, 783.
Roper v. Simmons, 543 U.S. 551 (2005).

Kimbrough v. United States

In *Kimbrough v. United States* (2007), the U.S. Supreme Court addressed the long-standing sentencing disparity between crack and powder cocaine. Federal drug laws in the latter half of the 1980s set penalties for crack cocaine sales and possession that were significantly more punitive than those for powdered cocaine. These laws were widely regarded as racist because they disproportionately affected African Americans, who were more likely to be sentenced for crack cocaine possession and sales than were non–African Americans. The *Kimbrough* Court decided whether judges could sentence people for crack cocaine violations outside the ranges prescribed in federal sentencing guidelines.

The Omnibus Anti-Drug Abuse Act of 1986 established mandatory prison sentences for violations of heroin and cocaine statutes and created marked sentencing disparities for the sale of crack and powder cocaine. The Omnibus Anti-Drug Abuse Act of 1988 also created sentencing disparities for the simple possession of crack and powder cocaine. The crack/powder cocaine sentencing disparity rested on the assumptions that crack cocaine was more harmful to users than powder cocaine and that crack users and dealers were more likely

to be violent than users and dealers of other drugs. This sentencing disparity was commonly referred to as the "100-to-1 ratio" because according to federal laws, a conviction for possessing or selling 5 grams of crack cocaine—the weight of two pennies—carried the same penalty of 5 years imprisonment as a conviction for possessing or selling 500 grams of powder cocaine—a little more than 1 pound.

In the mid-1980s, a gram of powder cocaine could be purchased for $100, while a vial of crack cocaine could be purchased for as little as $5. Hence, crack cocaine became popular with drug users in poor urban areas—largely African American—and was inextricably linked with pernicious, stereotypic images of violent inner-city African American youth. The 100-to-1 sentencing disparity predominantly affected small-time, local drug sellers in African American communities instead of the major drug traffickers who sold the powdered cocaine that was converted into crack in those neighborhoods. Because of the federal sentencing disparity, crack cocaine sellers could spend more time in prison than the wholesale cocaine distributors who supplied the drug. Although nearly two thirds of crack cocaine users were Latina/o or White, African Americans constituted nearly 85% of the people who were convicted for selling or possessing crack cocaine and who were sentenced to lengthy prison terms.

On April 10, 1995, the U.S. Sentencing Commission proposed amendments to the federal sentencing guidelines that would reduce the sentencing disparity between crack and powder cocaine. Speaking on behalf of the Department of Justice, Attorney General Janet Reno was vehemently opposed to the reduction. The Clinton administration was successful in its opposition to the amendments, and for the first time in history, Congress rejected the Sentencing Commission's recommendations. In the late 1990s, the Senate thwarted both the Sentencing Commission's subsequent efforts to reduce the crack/powder cocaine ratio from 100-to-1, to 5-to-1, as well as the Clinton administration's efforts to reduce the ratio to 10-to-1, which reflected a change in the president's position on the issue.

A Sentencing Commission Report in 2007 further criticized the crack/powder cocaine disparity. Specifically, the commission noted that crack and powder cocaine were comparable in terms of their deleterious effects on users. Moreover, the commission reported that the predicted epidemic of crack cocaine use among youth never materialized, and that the trafficking of crack cocaine was associated with less violence than the trafficking of powder cocaine. The Sentencing Commission voted in December 2007 to reduce the prison terms of people sentenced under the 100-to-1 guidelines and to apply more relaxed sentencing guidelines retroactively to 1,600 federal inmates convicted of selling crack cocaine.

Kimbrough was argued before the U.S. Supreme Court on October 2, 2007, and decided on December 10, 2007. The basic questions in the case involved how much authority district court judges have in departing from federal sentencing guidelines; whether district court judges may consider the Sentencing Commission's arguments against the 100-to-1 sentencing disparity in their sentencing decisions; and how a district court judge can balance the imperatives of federal drug laws with the Sentencing Commission's objections against those laws.

Derrick Kimbrough, a veteran of the Gulf War, had been arrested in Norfolk, Virginia, and was charged (among other crimes) with the possession and intent to distribute crack and powder cocaine. Although he had no previous arrests, and despite his honorable military record, Kimbrough was sentenced in district court to 19 years in prison—the lengthy sentence being attributable mostly to the involvement of crack cocaine in the case. Kimbrough's defense attorney urged the judge to reduce the sentence to 15 years, noting that the defendant had more powder than crack cocaine in his possession. The district court judge agreed, and sentenced Kimbrough to 15 years in prison. The government appealed the case.

The U.S. Court of Appeals for the Fourth Circuit determined that the district court had erred by imposing a sentence outside the sentencing guidelines due to the court's discomfort with the sentencing disparity between crack and powder cocaine. The Fourth Circuit overturned the district court's ruling and restored Kimbrough's original prison sentence of 19 years, claiming that the lower court's ruling was unreasonable because it was predicated on the court's disagreement with the crack/powder cocaine sentencing disparity.

In *Kimbrough*, the U.S. Supreme Court overturned the appellate court's decision and ruled that federal judges may impose prison terms for crack cocaine convictions that deviate from the sentencing guidelines and fall below the lower range of the mandatory minimum prison sentence for such crimes. In a vote of 7–2, the majority ruled that federal judges should impose prison terms that are fair, responsive to the particular circumstances of a case, and unbounded by onerous sentencing guidelines. In the majority's opinion, written by Justice Ruth Bader Ginsburg, judges are obliged to avoid unwarranted sentencing disparities and should view sentencing guidelines as advisory instead of peremptory.

Arthur J. Lurigio

See also Crack Babies; Crack Epidemic; Crack Mothers; Drug Dealers; Drug Sentencing; Drug Sentencing, Federal; Drug Trafficking; Drug Use

Further Readings

American Civil Liberties Union. (2002). *Interested persons memo on crack/powder cocaine sentencing policy*. Retrieved from http://www.aclu.org/drugpolicy/sentencing/10662leg20020521.html

Kimbrough v. United States, 552 U.S. ___ (2007).

Lavoie, D. (2008). *Crack-vs.-powder disparity is questioned*. Retrieved from http://www.usatoday.com/news/nation/2007-12-24-2050621119_x.htm

Mears, B. (2007). *Justices: Judges can slash crack sentences*. Retrieved from http://www.cnn.com/2007/US/law/12/10/scotus.crack.cocaine/index.html

King, Rodney (1965–)

Rodney Glen King is an African American male who made national headlines after four White Los Angeles Police Department (LAPD) officers were unknowingly videotaped using excessive force against him. The videotape was aired by every major television network across America and only affirmed for many what minorities have argued for years: the criminal justice system in America is biased and unjust at all levels when dealing with minorities. This entry describes the horrors of the Rodney King beating and the aftermath of those events, to assist in raising the awareness of the level of mistreatment and discrimination of minorities in the criminal justice system.

King was born April 2, 1965, in Sacramento, California. He was the second of five children and a high school dropout with minimal literacy skills. King fathered two children early in life and later was married to Crystal Waters, who also had two children of her own. King, a laborer, found routine work as a construction worker and at the time of the 1991 beating was working construction at Dodger stadium.

On March 3, 1991, King fell into the national spotlight when, while on parole for a robbery of a convenience store, he led the California Highway Patrol on a chase in excess of 110 miles per hour. After King exited the freeway and drove approximately 8 miles into a Los Angeles neighborhood, the Los Angeles Police Department joined the California Highway Patrol in their pursuit. Four of the 11 responding officers from the Los Angeles Police Department (Officer Laurence Powell, Officer Timothy Wind, Officer Theodore Briseno, and Sergeant Stacey Koon), while using excessive force, beating, and kicking King, were unknowingly videotaped by a citizen onlooker, George Holliday.

The initial moments of the incident were not captured on video and involved King being ordered to step out of his vehicle and instructed by the officers to lie down on the ground on his stomach. When King refused to comply with the orders given by the officers, they tried to physically force King down to the ground, but he resisted and became combative. The officers retreated, and Sergeant Koon fired 50,000-volt Taser darts into King in an attempt to stun and subdue him.

The videotape then begins, showing King rising from the ground and charging toward Officer Powell. California Highway Patrol Officer Melanie Singer testified that she observed Officer Powell strike King "with a power swing . . . across the top of his cheekbone, splitting the face from the top of his ear to his chin," causing him to fall to the ground. King attempted to rise but was repeatedly struck by Powell and Wind with their metal batons.

During the beating, Officer Powell struck King in his chest, and King rolled over and did not move for about 10 seconds. The officer then reached for

his handcuffs, and Officer Briseno placed his foot on King's upper back-neck region (the only use of force by Briseno). King collapsed onto the ground, at which time Officers Powell and Wind began to kick and strike King with their metal batons for approximately 19 more seconds. When King finally put his hands behind his back, the officers handcuffed him. Throughout the ordeal King was struck a total of 56 times, which caused him to suffer multiple skull fractures, a shattered eye socket and cheekbone, broken teeth, a concussion, kidney injuries, permanent brain damage, facial nerve damage that left his face partially paralyzed, injuries to both knees, and a broken leg, which left him with a permanent limp. After the beating, King was hogtied and dragged to the side of the road, where he was left without any medical assistance from the officers.

Comments made by Officer Powell after the arrest heightened the severity of the incident. After Officer Powell called for an ambulance, he sent a message over a police communications network that said, "I haven't beaten anyone this bad in a long time."

On March 14, 1991, all three officers and the sergeant were indicted for "assault by force likely to produce great bodily injury" and with "assault under color of authority." The defense was able to successfully file for a change of venue, away from Los Angeles County, where they argued they could not receive a fair trial, to Ventura County, which is much more affluent and has a smaller proportion of African American residents. On April 29, 1992, Officers Briseno and Wind and Sergeant Koon were acquitted of all charges by a jury of 10 Whites, one Latino, and one Asian. The jury was unable to reach a verdict on one charge against Officer Powell. A retrial was ordered on the charge and resulted in a hung jury.

Upon hearing the verdict, African Americans in south central Los Angeles rioted for three days, attacking citizens, looting, and burning businesses throughout the city. When the rioting was over, more than 50 people had been killed (mostly Koreans and Latinos), more than 2,000 injured, and more than 7,000 arrested. There were more than 7,000 fire responses, more than 3,100 damaged businesses, and more than $1 billion in property damage. On May 1, 1992, the third day of the riots, King appeared before several television news cameras and pleaded to the people for peace, asking, "People, I just want to say, you know, can we all get along?"

On August 4, 1992, the four officers were indicted by a federal grand jury under 18 U.S.C. § 242, charging them with violating King's constitutional rights. The three officers were charged with "willfully and intentionally using unreasonable force," and Sergeant Koon was charged with "willfully permitting and failing to take action to stop the unlawful assault." Officers Wind and Briseno were acquitted of all charges; Officer Powell and Sergeant Koon were found guilty and sentenced to 2½ years in prison.

King was later awarded $3.8 million in a federal civil case against Los Angeles. He used some of the money to start a hip hop music label and moved to Fontana, California. King has since filed for bankruptcy and has been in trouble with the law on numerous occasions for various criminal acts, including, but not limited to, being arrested for DUI (driving under the influence) twice, hit and run driving, indecent exposure, using PCP, crashing his Ford Expedition into a house while high on PCP, and punching his girlfriend in the stomach.

Georgen Guerrero

See also Los Angeles Race Riots of 1992; Police Use of Force; Race Relations; Race Riots; Racial Conflict

Further Readings

Cannon, L. (1999). *Official negligence: How Rodney King and the riots changed Los Angeles and the LAPD*. New York: Basic Books.

Koon, S. (1992). *Presumed guilty: The tragedy of the Rodney King affair*. Washington, DC: Regnery.

Ku Klux Klan

The Ku Klux Klan (KKK) is the most infamous racist organization to exist in the United States, in addition to being the first terrorist group to operate in America. With an ideology borne of White supremacy, this organization has often used violence and acts of intimidation, such as cross burnings and lynching, to harass those social or ethnic

groups they deem inferior to the "White, Christian race." For more than a century, the KKK has engaged in a campaign of racist violence and intimidation throughout the United States.

History

Founding

The Klan was formed during the Reconstruction era in May 1866, during which time the Northern states attempted to resolve those political, economic, and social issues that arose in the process of reinstating the Southern states into the Union. In response, veteran Confederate soldiers banded together in Pulaski, Tennessee, with the goal of maintaining the racist ideology of the South, and over the course of the next year they traveled throughout the Southern United States spreading their philosophies and using violent tactics against Black Americans, sympathetic Whites, and Southern Republicans (members of the party that had recently freed the slaves). The attackers, considered White supremacists because they believed that the White race is dominant to all others, derived the name of the group from the Greek word *kyklos,* meaning "circle," and the Scottish Gaelic term *clann,* meaning "family." In 1867, a significant group of local Klans met in Nashville, Tennessee, in an effort to build a nationwide hierarchical organization that would designate members at county, state, and national positions. The first Grand Wizard, or national leader, of the group was Nathan Bedford Forrest, a highly decorated general during the Civil War and former slave owner. While some other leaders of the organization at the state or county levels acquired titles such as "Imperial Wizard," or "Exalted Cyclops," the Klan never reached a state of formal organizational structure that was able to unite and coordinate multigroup efforts.

Early Years

During the next 5 years, the Klan played an important role in restoring White Democratic control in Georgia, Tennessee, and North Carolina. At this time, the organization's goal was to lead the Confederate Democrats back into power and to restore White supremacy in the South through peaceful, political means. Although they advocated violence only in the attempt to disarm Black Union soldiers who were given firearms during the war, leaders of the Klan also alleged that many unaffiliated individuals, acting under their own volition, were using violent means to achieve the same goal, wearing commonplace masks, white cardboard hats, and white sheets to disguise themselves in order to escape recognition and thus penalty for their actions. Most of these violent acts included the lynching or assault of Blacks, whipping of White Unionists, or the burning of Black homes, churches, and schools.

The Klan slowly started its decline in 1870 after Forrest, realizing the increasingly violent, nonpolitical agenda of the rest of the organization, called for its disbandment. In 1871, President Ulysses S. Grant signed the Ku Klux Klan Act, introduced to enforce the civil rights provisions in the U.S. Constitution. This legislation allowed federal authorities to have jurisdiction over the Klan members, an area typically reserved for state militias; hundreds of members were charged and brought to trial. As its members were being fined and imprisoned, and the national leader stepped down, the Klan began to disappear from public view. Before they completely vanished, the Klan was held responsible for the Colfax massacre on April 13, 1873, in Colfax, Louisiana. More than 100 Black people were shot or beaten to death at the local courthouse for attempting to find safety after being targeted by local Whites following a contested election in which a Unionist supporter was elected into office.

First Revival

There was a resurgence of the Klan in the beginning of the 20th century with the 1915 release of the film *The Birth of a Nation,* which glorified the original organization. Also during this time, Leo Frank was lynched by the Knights of Mary Phagan, a subgroup of the Klan later credited with bringing about its revival. Frank was a Jewish man in Atlanta, Georgia, who was accused of raping and murdering a young White girl; after being sentenced to life in prison, he was kidnapped from jail and hung. The story was sensationalized by the media, and the events surrounding the case were exaggerated. Much of the public became outraged by the

implications of the events, and support for a new Klan emerged. The new Klan focused not only on African Americans but also on immigrants, Catholics, and Jews, deriving its ideology from both White supremacy and Christian fundamentalism. In November 1922, the Klan elected Hiram W. Evans as the new Imperial Wizard. Under Evans's leadership, the Klan grew rapidly, and members were quickly elected into positions of political power. In the 1920s, Klan members held positions as state officials in Texas, Oklahoma, Oregon, Indiana, and Maine. By 1925, membership reached 4 million. During the next 20 years, the Klan was involved in various political and violent acts of intimidation against those they deemed a danger to either the Constitution or to White, Christian ideals. However, due to successful prosecution efforts by local and federal governments, sex scandals, and a large amount of unpaid taxes, this first revival of the Klan had slowly disintegrated by 1944.

Second Revival

The second revival of the Klan took place when individual groups banded together to resist the civil rights movement in the late 1950s. This movement was directed specifically at Black Americans involved in the movement and their White sympathizers. Numerous violent acts, including shootings, bombings, and lynchings, were rampant in the Klan's efforts to sweep away opposition. Medgar Evers and Vernon Dahmer, Sr., both leaders for the National Association for the Advancement of Colored People (NAACP), were assassinated, as was Viola Liuzzo, a White sympathizer who was transporting civil rights marchers at the time of her death. Numerous other civil rights workers were attacked and harassed, beaten, or killed. At this time, violent means were more popular than ever. Firebombs were used to burn churches, houses, and vehicles. This continued throughout the next 10 years, when Klan efforts came to be directed at affirmative action and desegregation efforts such as busing. In 1971, 10 busses used for transporting Black students to segregated schools were destroyed by bombs. Also, during this time, in 1974, David Duke surfaced as a future leader within the organization.

Duke created the Louisiana-based group, Knights of the Ku Klux Klan, in 1974. In marketing himself to the rest of the White supremacist world, he represented a new image for the Klan: clean-cut, intelligent, and professional. The Klan flourished under his leadership, and Duke urged members to run for political office. Women were beginning to be treated as equals in the organization, and Catholics were encouraged to join. Duke organized the largest Klan rally held in nearly 2 decades in 1976 in Walker, Louisiana. Duke left the KKK in 1980, after a scandal in which he was accused of attempting to sell his subgroup to another Klan leader. He went on to form the National Association for the Advancement of White People (NAAWP) and became a Louisiana state representative in 1989.

The Klan became more decentralized in the 1980s as a result of legal attacks brought on by the Southern Poverty Law Center (SPLC), founded by Morris Dees and Joe Levin in 1971. In 1981, one of these attacks targeted the United Klans of America (UKA), located in Tuscaloosa, Alabama. During the civil rights movement, this subgroup of the Klan, led by Imperial Wizard Robert Shelton, was the largest in the organization, claiming tens of thousands of members. Membership slowly decreased during the late 1970s and 1980s, when the UKA found itself involved in a civil suit with the SPLC over the hanging of a Black teenager, Michael Donald, in 1981. After the SPLC won the suit, in 1987, the UKA collapsed under the ensuing monetary penalty awarded to Donald's family. The family gained possession of the United Klans' 7,200-square-foot national headquarters in Tuscaloosa and were awarded a $7 million settlement. This was one of several successful attempts by both civil rights organizations and the government in targeting the Ku Klux Klan and other White supremacist groups.

Klan Atrocities Against Civil Rights Workers

On June 21, 1964, three civil rights workers, James Chaney, a 21-year-old Black man from Mississippi; Andrew Goodman, a 20-year-old Jewish student from New York; and Michael Schwerner, a 24-year-old Jewish social worker from New York, had disappeared in Mississippi after being involved in efforts to register Blacks to vote. Their bodies were found on August 4, 1964, outside of Philadelphia, Mississippi. Chaney had been beaten and shot, while Goodman and Schwerner had both been shot in the

heart. E. G. Barnett and Edgar Ray Killen were implicated for the murders in 1967 but were set free due to a deadlocked jury. Due to strong media coverage and public outrage, nearly 40 years later, on June 21, 2005, Killen was convicted of three counts of manslaughter and sent to prison. Additionally, James Ford Seale, a former Klan member, was convicted on June 14, 2007, for kidnapping and conspiracy in the commission of the murders of Charles Eddie Moore and Henry Hezekiah Dee, both civil rights workers, on May 2, 1964, in Mississippi. These successful prosecutions, in addition to the civil suits initiated by the SPLC, have served to severely weaken the structure and functionality of the Klan.

The Disintegration of the Klan's Organizational Structure

In addition to forcing several Klan chapters to disintegrate, these convictions of Klan members affected the structure of the organization as a whole. The differing groups slowly began to become decentralized and act independently of one another. For this reason, in the beginning of the 21st century, the Klan is widely distributed throughout the country. Separate factions of the KKK are located around the world but are much more prevalent in the United States. The largest "umbrella" chapters in the United States are the Imperial Klans of America (headquartered in Dawson Springs, Kentucky), headed by Imperial Wizard Ron Edwards, and the Knights of the White Kamelia (east Texas), led by Imperial Wizard James Roesch. Each group has its own headquarters and network structure, although Klan leadership has continually been weakening.

In July 2006, Jeff Berry, former Imperial Wizard, was assaulted by his son, Anthony Berry, and Fred Wilson, both members of the KKK, after becoming involved in an argument at a Klan gathering in which the two assailants wished to invigorate the Klan in Indiana. In January 2007, Gordon Young, the former leader of the World Knights' North Carolina-based faction of the Ku Klux Klan, was accused and convicted of child molestation. Finally, on March 29, 2007, Joseph Bednarsky, leader of the Confederate Knights of the Ku Klux Klan, resigned from his position as Imperial Wizard, stating that infighting and a lack of progress were the reasons for his decision.

Despite these incidents, the Anti-Defamation League reported that there may be more than 100 different chapters of Klan organizations in the United States, and it has been estimated that there may currently be more than 5,000 members of the Klan, a significant decrease in number from the past under the leadership of both Hiram Evans and David Duke. However, there may be a third revival of the Klan in the works, as the political and social controversy surrounding the illegal immigration movement increases in the United States.

The Modern Klan

America has recently seen a resurgence in the number of individuals joining White supremacist groups in an effort to combat illegal immigration, an issue that is quickly spreading fear among those hate groups that strive to keep Whites in power. These growing chapters are engaging in numerous protests around the country, alongside other anti–illegal immigration groups such as the Minuteman organization, in order to garner public support for their cause as well as recruit more members. There have been recent reports of the Klan engaging in vandalism, cross burning, and leafleting incidents, in order either to intimidate those people whose property is being targeted or to gain the attention of locals with the aim of garnering further support. The current organization, staying true to its White supremacist heritage, also engages in occasional assaults of those individuals traditionally targeted by the Klan.

In 1998, in Jasper, Texas, James Byrd, Jr., a Black man, was beaten and then dragged behind a truck for 3 miles, killing him. The three assailants, including John William King, a known member of the Confederate Knights of America, were convicted of the murder and sentenced to either life in prison or the death penalty. More recently, on June 30, 2006, Jarred Hensley and Andrew Watkins, both members of the Imperial Klans of America, physically assaulted a young Hispanic man while shouting racial slurs at the Meade County Fairgrounds in Brandenburg, Kentucky. Both Klansmen were arrested and charged with assault and public intoxication, indicted on hate crime charges, and sentenced to 3 years in prison on February 22, 2007.

Additionally, different chapters of the organization have created and maintained group Websites, using these venues to facilitate communication opportunities between members or associates from other groups. There are frequent overlaps of members from other organizations who hold the same or similar racist or neo-Nazi philosophies, such as the National Socialist Movement, Aryan Nations, American Nazi Party, or the American White Nationalist Party. These Websites provide a place for the group to post meeting times and places as well as allow the Klan to sell various paraphernalia. This is one of the main funding sources for the chapters: selling shirts, hats, flags, CDs, and other materials. Other sources include membership dues and donations through group Websites, rallies and protests, and organized group events. Different chapters of the Klan also produce publications, including *Klan Kourage, White Patriot, The Torch, White Beret,* and *The Klansmen,* which allow the groups to disseminate their racist message and ideology to those who subscribe.

The Ku Klux Klan, while still espousing White supremacist and fundamentalist Christian ideologies, has changed drastically since the beginning of the movement more than a century and a half ago. The Klan has become wholly decentralized, and membership is informal and often changing, although members continue to engage in violent and threatening actions against Blacks, Jews, and other minorities. While the United States has seen the rise and fall of significant Klan movements, the group's recent anti–illegal immigration stance has seen an increase in recruitment and propaganda use, which could potentially indicate a fourth revival.

Megan L. Gray and Michael T. Coates

See also African Americans; Anti-Semitism; *Birth of a Nation, The*; Byrd, James, Jr.; Hate Crimes; Ku Klux Klan Act; Lynching; Minutemen; Southern Poverty Law Center; White Gangs; White Supremacists

Further Readings

Anti-Defamation League. (2008). *About the Ku Klux Klan*. Retrieved from http://www.adl.org

Builta, J. A. (1996). *Extremist groups: An international compilation of terrorist organizations, violent political groups, and issue-oriented militant movements*. Chicago: University of Illinois at Chicago, Office of International Criminal Justice.

George, J., & Wilcox, L. (1992). *Nazis, Communists, Klansmen, and others on the fringe: Political extremism in America*. Buffalo, NY: Prometheus.

Southern Poverty Law Center. (n.d.). *Active U S. hate groups in 2006: Ku Klux Klan*. Retrieved October 10, 2008, from http://www.splcenter.org

Ku Klux Klan Act

The Ku Klux Klan Act of 1871 (also known as the Civil Rights Act) was one of three laws passed as part of the U.S. government's attempts to "reconstruct" the Southern states following the Civil War. The act itself, as indicated by the name, was directed at the Ku Klux Klan. The Ku Klux Klan was a series of loosely affiliated gangs who used violence to impose their agenda on the state governments established following the Civil War by killing freed slaves and those supporting them. The act, aiming particularly at conspiracies, made it a federal offense to deny a person his or her civil rights. With the new legislation, federal law enforcement vigorously prosecuted Klan members. Five years later, the U.S. Supreme Court invalidated portions of the law, contributing to its subsequent disuse. Although only used for a short time, the Ku Klux Klan Act of 1871 served as the model for more lasting civil rights laws and established precedent for federal intervention into crime problems states could or would not address.

Following the Civil War, the federal government had to decide how to handle the former Confederate states. Although the Union had won the war, the former Confederate states did not abandon their beliefs about slavery and their distaste for equality with freed slaves. In some parts of the South, organized resistance arose to Republican officeholders, who had supported emancipation of the slaves and supported equality between African Americans and the former slave owners. The resistance consisted of White, former slave-holding Democrats who sought to keep the freed slaves from exercising their newfound voting rights. To keep the freed slaves from voting, these organized groups resorted to violence and intimidation. One particular group, the Ku Klux Klan, was exceptionally violent.

The Republican state governments proved unable to control the violence and sought assistance from

the federal government. The Army could not intervene because of legal restrictions. As a result, Congress adopted three "Enforcement Acts" so that federal law enforcement could intervene in the situation. These acts were derived from the enforcement clauses of the Fourteenth and Fifteenth Amendments, passed following the Civil War's conclusion. Each succeeding act provided more enforcement power for the federal government. The first act, passed in May 1870, criminalized interference with voting rights. The second act, passed in February 1871, provided for federal supervision of voter registration and elections. The third act, passed in May 1871 and named the Ku Klux Klan Act, criminalized conspiracy to prevent people from holding office, serving on juries, enjoying equal protection of the law, and voting. It also permitted use of the army to enforce the law, suspension of the writ of habeas corpus in counties in a state of insurrection, and removal of Klan members from both petit and grand juries.

Enforcement by the Department of Justice began immediately. President Ulysses Grant sent the military to the various Southern states, particularly nine counties in South Carolina where the violence was most prevalent. The military both protected freed slaves and Radical Republicans and investigated the Ku Klux Klan. The information obtained from locals about the Klan served as the basis for mass arrests and indictments. Attorney General Amos Akerman coordinated the federal efforts with assistance from the local U.S. attorneys and U.S. marshals. In the years following the enactment of the Ku Klux Klan Act, there were more than 3,000 indictments filed across the South, with the most coming from South Carolina and northern Mississippi. Ultimately, because of the flood of cases that entered the system, most cases were dismissed. Of the 600 cases tried, more than 67% were convicted at trial. Sentences for those convicted varied widely from small fines to 5 years in prison.

Despite, or perhaps because of, its widespread use, the law generated a great deal of controversy. Democrats and Liberal Republicans opposed its use on racial and constitutional grounds. Democrats strongly opposed any hints of equality between the freed slaves and their former owners. They engaged in further violence, often abusing, assaulting, and murdering prosecutors, marshals, and witnesses. Liberal Republicans sought a more moderate approach to Reconstruction through a general amnesty for former Confederates. For their part, Liberal Republicans decried the infringement upon states' rights brought about by the acts and their enforcement. They viewed the act as the federal government invading the states' police power. They supported their argument by citing the indictments filed by the prosecutors that highlighted state crimes such as burglary, robbery, and murder. The prosecutors argued these acts were merely the acts demonstrating the conspiracy.

Ultimately, the U.S. Supreme Court would have to decide the issue. They did so in 1876 but could have done so much sooner. Within the Grant administration, Attorney General Akerman was the driving force behind the act's enforcement. He was removed and replaced by George Williams, who lacked the interest his predecessor displayed for civil rights prosecutions. As a result, Williams took steps to prevent early cases from reaching the U.S. Supreme Court, limited future prosecutions to the most serious abuses, and eventually terminated prosecutions once the Supreme Court could hear a case. Upon hearing the case, the Supreme Court found much of the Ku Klux Klan Act of 1871 unconstitutional.

Overall, the Ku Klux Klan Act aided the government by scattering the Ku Klux Klan members, but it did not eliminate the violence and opposition to freed slaves voting. However, the statute's long-term impact proved greater. In the 20th century, the law served as the basis for the Civil Rights Acts of 1957 and 1960. It also provided a precedent for federal intervention when states could or would not remedy a crime problem. This precedent set the stage for future federal criminal law. Finally, those supporting the act first developed the legal arguments that would eventually succeed in making the Bill of Rights apply to the several states through the Fourteenth Amendment.

Scott Ingram

See also Ku Klux Klan; Racial Conflict; Victim and Witness Intimidation

Further Readings

Cresswell, S. (1987). Enforcing the enforcement acts: The Department of Justice in northern Mississippi, 1870–1890. *The Journal of Southern History, 53*(3), 421–440.

McPherson, J. M. (1982). *Ordeal by fire: The Civil War and Reconstruction.* New York: Knopf.

Swinney, E. (1962). Enforcing the 15th Amendment. *The Journal of Southern History, 28*(2), 202–218.

Williams, L. F. (1996). *The great South Carolina Ku Klux Klan trials, 1871–1872.* Athens: University of Georgia Press.

Labeling Theory

Labeling theory is a criminological theory stemming out of a sociological perspective known as "symbolic interactionism," a school of thought based on the ideas of George Herbert Mead, John Dewey, W. I. Thomas, Charles Horton Cooley, and Herbert Blumer. The first as well as one of the most prominent labeling theorists was Howard Becker (1963). Two questions became popular with criminologists during the mid-1960s: What makes some acts and some people deviant or criminal? During this time, scholars tried to shift the focus of criminology toward the effects of individuals in power responding to behavior in society in a negative way; they became known as "labeling theorists" or "social reaction theorists."

Blumer (1969) emphasized the way that meaning arises in social interaction through communication, using language and symbols. The focus of this perspective is the interaction between individuals in society, which is the basis for meanings within that society. These theorists suggested that powerful individuals and the state create crime by labeling some behaviors as inappropriate. The focus of these theorists is on the reactions of members in society to crime and deviance, separating them from other scholars of the time. These theorists shaped their argument around the notion that, even though some criminological efforts to reduce crime are meant to help the offender (such as rehabilitation efforts), they may move offenders closer to lives of crime because of the label they assign the individuals engaging in the behavior. As members in society begin to treat these individuals on the basis of their labels, the individual begins to accept this label him- or herself. In other words, an individual engages in a behavior that is deemed by others as inappropriate, others label that person to be deviant, and eventually the individual internalizes and accepts this label. This notion of social reaction, reaction or response by others to the behavior or individual, is central to labeling theory. Critical to this theory is the understanding that the negative reaction of others to a particular behavior is what causes that behavior to be labeled as "criminal" or "deviant." Furthermore, it is the negative reaction of others to an individual engaged in a particular behavior that causes that individual to be labeled as "criminal," "deviant," or "not normal." According to the literature, several reactions to deviance have been identified, including *collective rule making, organizational processing,* and *reaction to reaction*.

Becker defined deviance as a "social creation in which social groups create deviance by making the rules whose infraction constitutes deviance, and by applying those rules to particular people and labeling them as outsiders." Becker grouped behavior into four categories: falsely accused, conforming, pure deviant, and secret deviant. *Falsely accused* represents those individuals who have engaged in obedient behavior but have been perceived as deviant; therefore, they would be falsely labeled as deviant.

Conforming represents those individuals who have engaged in obedient behavior that has been viewed as obedient behavior (not been perceived as deviant). *Pure deviant* represents those individuals who have engaged in rule breaking or deviant behavior that has been recognized as such; therefore, they would be labeled as deviant by society. *Secret deviant* represents those individuals that have engaged in rule breaking or deviant behavior but have not been perceived as deviant by society; therefore, they have not been labeled as deviant.

According to sociologists like Émile Durkheim, George Herbert Mead, and Kai T. Erikson, deviance is functional to society and keeps stability by defining boundaries. In 1966, Erikson expanded labeling theory to include the functions of deviance, illustrating how societal reactions to deviance stigmatize the offender and separate him or her from the rest of society. The results of this stigmatization is a self-fulfilling prophecy in which the offender comes to view him- or herself in the same ways society does.

Key Concepts: Primary and Secondary Deviance

Primary deviance refers to initial acts of deviance by an individual that have only minor consequences for that individual's status or relationships in society. The notion behind this concept is that the majority of people violate laws or commit deviant acts in their lifetime; however, these acts are not serious enough and do not result in the individual being classified as a criminal by society or by themselves, as it is viewed as "normal" to engage in these types of behaviors. Speeding would be a good example of an act that is technically criminal but does not result in labeling as such. Furthermore, many would view recreational marijuana use as another example. *Secondary deviance,* however, is deviance that occurs as a response to society's reaction of the individual engaging in the behavior as deviant. This type of deviance, unlike primary deviance, has major implications for a person's status and relationships in society and is a direct result of the internalization of the deviant label. This pathway from primary deviance to secondary deviance or acceptance as normal is illustrated as follows:

primary deviance → others label act as deviant → actor internalizes deviant label → secondary deviance

Theoretical Contributions

There are three major theoretical directions to labeling theory, including Bruce Link's modified labeling theory, John Braithwaite's reintegrative shaming, and Ross L. Matsueda and Karen Heimer's differential social control.

Link's Modified Labeling Theory

Link's modified labeling theory (2001) expanded the original framework of labeling theory to include a five-stage process of labeling. The stages of his model include the extent to which people believe that mental patients will be devalued and discriminated against by other members of the community, the time period by which people are officially labeled by treatment agencies, when the patient responds to labeling through secrecy, withdrawal, or education, the negative consequences to this individual's life that were brought about as a result of labeling, and the final stage of vulnerability to future deviance as a result of the effects of labeling.

Braithwaite's Reintegrative Shaming Theory

The theory of reintegrative shaming, by John Braithwaite (1989), examines the difference between stigmatization of the individual and reintegrative shaming, or encouragement to stop the behavior without labeling and stigmatizing the individual in society. This theory essentially posits that reintegrative shaming will reduce crime, unlike stigmatization, which, according to labeling theory, essentially increases it by encouraging future deviance. The framework behind this theory is that individuals, after committing an act deemed as criminal or delinquent, will be shamed by society for that act and then reaccepted back into society without a permanent label of "not normal," "deviant," or "criminal." Furthermore, a second concept of this theory is the notion of *restorative justice,* or making amends for wrong actions with those who were

affected by the behavior. The argument driving this theory is the notion that reintegrative shaming demonstrates that a behavior is wrong without hurting the individual accused of that behavior. Rather, society encourages the individual to make up for what he or she has done, show remorse for the choice of behavior, and learn from the mistake. Under this theory, society teaches its members and then readily accepts them back into the group without permanent labels or stigmas attached. Essentially, society forgives.

Matsueda and Heimer's Differential Social Control Theory

Matsueda and Heimer's theory (1992) returns to a symbolic interactionist perspective, arguing that a symbolic interactionist theory of delinquency provides a theory of self- and social control that explains all components, including labeling, secondary deviance, and primary deviance. This theory relies on the concept of *role taking,* a concept that illustrates how individuals reflect on their behavior, how they are able to put themselves in the shoes of others in order to view the situation or behavior from the other's standpoint, and how they evaluate alternative actions that would be more acceptable and not seem as inappropriate in the eyes of others. Heimer and Matsueda expanded this notion to include the term *differential social control,* which emphasizes that social control through role taking can take a conventional direction or a criminal direction because the acceptable courses of actions by peers may not necessarily be conventional or nondeviant courses of action.

Recent Directions in Labeling Theory

Several articles published in the past few years have examined the effects of labeling in adolescents. This literature further examines the concept of stigma and the role that power plays in labeling an individual. This literature further examines the problems associated with labeling and stigmatizing individuals, including status loss, stereotyping, and discrimination. Also more recently examined have been measures for perceived labeling. This literature suggests that adolescents who perceive more deviant labels than positive ones for themselves are more likely to engage in delinquency.

Criticisms of Labeling Theory

There are many criticisms that have been raised about traditional labeling theory. Labeling theory prospered throughout the 1960s, bringing about policy changes such as deinstitutionalization of the mentally ill and juvenile diversion programs; however, it came under attack in the mid-1970s as a result of criticism by conflict theorists and positivists for ignoring the concept of deviance; these theorists believed that deviance does exist and that secondary deviance was a useless concept for sociologists. This criticism has survived and continues to haunt labeling theorists today because of the recent empirical evidence on the theory. Two main hypotheses have been identified through these empirical tests, including the status characteristics hypothesis and the secondary deviance hypothesis. *The status characteristics hypothesis* explains how individual attributes affect the choice of who is and who is not labeled, and the *secondary deviance hypothesis* argues that negative labels cause future deviance.

Labeling theory predicts that labeling will vary by status characteristics even when controlling for previous deviant behavior. The criticism, however, stems from the fact that labeling theory does not require that status characteristics are the most important determinant of labeling.

Secondary deviance implies a long, causal chain of events, including negative labels, objective and perceived opportunities, and deviant self-images. It is important to keep in mind, however, that some groups may be more vulnerable than others to these events. The literature in this area has not provided support for or contradicted labeling theory, as it simply focuses on future deviance without thoroughly examining the process. Most research conducted on labeling theory appears to simply take for granted that this process is a given; however, it is problematic to assume it as such without proper empirical support. This is a key point that ties this theory back into literature on race and crime; some individuals are more

vulnerable to the label and therefore more susceptible to the problems that occur as a result of being stigmatized.

Sherry Lynn Skaggs

See also At-Risk Youth; Focal Concerns Theory, Labeling; Juvenile Crime; Recidivism; Restorative Justice

Further Readings

Adams, M. S., Robertson, C. T., Gray-Ray, P., & Ray, M. C. (2003). Labeling and delinquency. *Adolescence, 38,* 149.

Becker, H. (1963). *Outsiders*. New York: The Free Press.

Blumer, H. (1969). *Symbolic interactionism: Perspective and method*. Berkeley: University of California Press.

Braithwaite, J. (1989). *Crime, shame, and reintegration*. Cambridge, UK: Cambridge University Press.

Link, B. G., & Phelan, J. C. (2001). Conceptualizing stigma. *Annual Review of Sociology, 27,* 363–385.

Matsueda, R. L. (1992). Reflected appraisals, parental labeling, and delinquency: Specifying a symbolic interactionist theory. *American Journal of Sociology, 97,* 1577–1611.

Matsueda, R. L., & Heimer, K. (1987). Race, family structure and delinquency: A test of differential association and social control theories. *American Sociological Review, 52,* 826–840.

Paternoster, R., & Bachman, R. (2001). *Explaining criminals and crime*. Los Angeles: Roxbury.

Tannenbaum, F. (1938). *Crime and the community*. Boston: Ginn.

Vold, G., Bernard, T., & Snipes, J. (2002). *Theoretical criminology* (5th ed.). New York: Oxford University Press.

Latina/o Criminology

The incorporation of Latinas and Latinos in criminological research is important because the Latina/o population is now the second largest group in the United States. It is also important to include Latinos since there are considerable race and ethnic disparities in violence across the nation. For example, Latinos were 3 times *more* likely than non-Latina/o Whites to be a victim of homicide but almost 3 times *less* likely than Blacks to be killed. National crime victimization surveys indicate that Latinos and Blacks were victims of robbery at similarly high rates, but, Latinos were victims of aggravated assault at a level in line with Whites and Blacks. These differences are a reminder that criminological research on racial and ethnic variations in crime must incorporate Latinos and consider variations within Latina/o groups in order to fully understand group differences in criminal and delinquent behavior. This entry outlines the contours of Latina/o violent crime and serious delinquent behavior research.

National Victimization Survey

The primary source of survey-based crime data in the United States is the National Crime Victimization Survey (NCVS), a nationally representative study of person and household victimization administered by the U.S. Census Bureau. Unlike the *Uniform Crime Reports* (UCR), which is regarded as the primary source of official crime data in the United States, the NCVS records the race (White, Black, or Other) and Hispanic origin of the victim (Hispanic or non-Hispanic). The incorporation of ethnicity in the NCVS permits estimates of both racial and ethnic differences in crime or criminal victimization and makes this survey probably the leading source of Hispanic or Latina/o crime across the United States.

Other researchers have noted that racial and ethnic disparities are usually not as heightened in the NCVS as they are in official police crime statistics; that is probably the case for most types of serious criminal victimization. For example, Latinos are more likely to be victims of robbery than are non-Hispanics, and the Black robbery victim rate is in line with that of Hispanics. Victimization differences between Latinos and other racial/ethnic group members for other types of violent crime are usually minor, but Latinos are more likely to be victims of aggravated assault than are Whites.

Information regarding gender disparities in Latina/o crime is scarce, and violent crime research on Latinas is in even shorter supply, but the NCVS has demonstrated that some gender differences in violence exist. There are obvious disparities

between Latina/o male and female victimization, but those differences vary by type of violence and even the relationship between victim and offender. For example, Latino male youth encounter significantly higher risks of stranger violence than do Latina youth. This finding is not surprising, given traditionally high levels of violence among young males in violent crime studies. In contrast, levels of non-stranger violence were similar among Latino and Latina youth. This interesting finding is probably linked to protective factors at home or some other influence not included in the survey. This area requires more research and should attract more attention in the future.

The NCVS has also collected race and ethnicity information since at least 1993, allowing the examination of changes over time in violent crime victimization. The overall violent victimization rate among Latinos has declined dramatically, with the rate going down almost 55% between 1993 and 2005. This decline, however, was consistent across all racial and ethnic groups, thus Latinos appear equally likely to have experienced similar declines in violent crime victimization as other racial/ethnic group members. This finding is important because it counters beliefs by immigrant opponents in the popular media who contend that immigrants have "contributed" to crime rates in their local areas. Latinos, legality aside, as a whole have long had the same levels of violent crime as Whites and Blacks, and violent crime victimization has declined among all groups, even in an era of intense immigration.

National Self-Report Surveys

A few national studies gather self-report of delinquency, risk, and health-related behaviors, but most of these studies have traditionally focused on Black or White delinquency. One exception is the National Longitudinal Study of Adolescent Health (Add Health), a study that initially explored the causes of health-related behaviors in a nationally representative sample of adolescents. Unlike most of the other national surveys, the Add Health asks the respondents to provide detailed information on Latina/o background—Mexican, Mexican American, Cuban, Puerto Rican, Central American, and Other Latino (heavily South American)—which provides a unique opportunity to examine the range of groups that comprise the Latina/o population.

For most of the self-reported behaviors, Latina/o group variations are relatively minor, but in the cases where differences exist there are some interesting findings that should be examined by criminologists in the future. Respondents who identify themselves as Chicano or Puerto Rican are usually more likely than Mexican, Cuban, Central American, or Other Latinos to have seen a shooting or stabbing, had a knife or gun pulled on them, or gotten into a physical fight. In two of those self-reported behaviors, the percentages were highest among Chicano respondents, and in the other, Chicano and Puerto Rican youths had equal proportions (27%) exposed to viewing a shooting or stabbing.

On two other items, Chicano respondents had much higher proportions of violent activity than all other Latino groups. For example, nearly one third of Chicano respondents reported being jumped or assaulted, a level twice that of Mexicans, Puerto Ricans, Other Latinos, Central Americans and almost three times that of Cubans. Although relatively low, about 14% of surveyed Chicano youths reported having pulled a knife or a gun on someone, a level at least twice that of Other Latino respondents. For most of the remaining behaviors, all six groups are nearly equally exposed to low levels (less than 10%) of being shot, stabbed, or shooting or stabbing someone.

As a whole, the comparison of racial/ethnic differences across various national data sources illustrates that the primary difference in violent crime victimization among Blacks, Whites, and Latinos appears sizeable in the case of robbery and modest on other types of violent crime. When focusing on Latina/o youth, within Latina/o group disparities are greater for some types of violent activities, at least for Chicanos and to a lesser extent for Puerto Ricans, when compared to Cubans, Mexicans, Central Americans, and Other Latinos. Perhaps the most important outcome of this analysis is that while reliable Latina/o crime data are rare, the existing sources confirm that including Latinos and distinct Latina/o groups is important to the study of racial and ethnic disparities in crime.

City- and Community-Level Studies

Much of the recent research on race/ethnicity and crime has been conducted at the aggregate level with official crime data. Unfortunately, this literature has until very recently rarely considered the level of Latina/o crime or compared Latinos to other ethnic minority groups, largely due to official crime data limitations. This omission in part has led some researchers to revisit the long tradition of research on communities and crime, a tradition in criminology that dates back to the founding of American criminology.

Most of the handful of early ethnicity and crime studies focused on European immigrants in Chicago. A notable exception to this pattern is *Mexican Labor in the United States, Volume II*. In this study, Paul S. Taylor describes the criminal justice experiences of persons of Mexican origin in Chicago. By linking arrest statistics (felonies and misdemeanors) to local population sizes, he was able to compare White and Mexican criminal activities. While Mexicans were arrested at a percentage 2 to 3 times their population size, most of the arrests were not related to violence but were for property and alcohol-related offenses, a finding linked to the high number of single males in the population. This is important to highlight because patterns of criminal involvement were shaped by the age and sex distributions of the immigrant population, not the inherent criminality of immigrant Latinos.

Researchers now compare and contrast the characteristics of Black, White, and Latina/o homicides or control for social and economic determinants of crime thought to shape racial/ethnic disparities across neighborhoods. This is important because there is a strong relationship among economic disadvantage, affluence, and violent crime, and this connection has received a great deal of attention given the racial/ethnic differences and the strength of the association between crime and socioeconomic context at the community level. To a large extent, this notion is rooted in the claim by Robert Sampson and William J. Wilson that the sources of violent crime are rooted in structural differences across communities, which helps explain the racial/ethnic differences in violence. This thesis has become known as the "racial invariance" in the fundamental causes of violent crime. Still, the racial invariance thesis has rarely been applied to ethnicity and crime. While other conceptual or theoretical overviews on Latina/o crime and delinquency exist, attention is directed to macrolevel approaches, since this is where the bulk of Latina/o violence research is located.

Latinos and Immigration

In general, researchers have evaluated whether the structural conditions relevant for Black and White violence also apply to Latinos. Using homicide or violent crime data gathered directly from police departments and linked to census tracts that are widely used as proxies for communities, some criminologists have analyzed Latino-specific homicide either alone or in comparison with models for native-born Blacks and Whites, and sometimes immigrant Haitians, Jamaicans, or Latina/o subpopulations, for example, Mariel Cubans. These criminologists note that Latinos usually follow the same familiar pattern as Blacks and Whites in terms of the all-encompassing effect of concentrated disadvantage, even though some predictors of Latina/o homicide are to some extent distinct.

One issue influencing Latinos much more so than Whites or Blacks is the impact of immigration on crime in general and Latina/o violence specifically. For example, some scholars have written about the "Latino Paradox" wherein Latinos, especially immigrants, show lower levels of criminal behavior on certain indicators, including violence, than do Blacks, and in some cases Whites, despite their higher levels of disadvantage. Thus, Latinos have high levels of poverty but lower levels of homicide or violence than expected, given the power of economic disadvantage (or deprivation). The impact of recent immigration and the role of immigrant concentration appear to construct a different story with respect to violence than the impact of deprivation on African Americans appearing in the race and crime literature.

Criminologists have also been at the forefront of researchers debunking the popular notion that higher levels of immigration lead to increased violence and challenge the belief that more immigrants mean more homicide. In fact, higher levels of immigration generally have no effect on violence, contrary to expectations dating back to the turn of the

past century that an influx of immigrants disrupts communities, creates neighborhood instability, and contributes to violent crime. Instead, studies support the finding that extreme disadvantage matters more for violence across racial, ethnic, and even immigrant groups than the presumed deleterious impact of immigration on violence proffered by immigrant opponents. Future researchers should pay closer attention to potential variations across and within groups of various immigrant and ethnic variations, especially among Latina/o groups.

Research Directions

There are a number of important questions that should be addressed in the future. More data collection is necessary to answer questions on Latina/o violence. For example, more data should be collected on the country of origin to help us better understand complex neighborhood dynamics. As immigrant Latinos move into older Latina/o areas, should we expect more or less crime in places like Miami, where Cubans are replaced by Colombians or Nicaraguans? Or, does Latina/o violence rise in cities like Los Angeles and Houston, where a dominant population of Mexican origin (native and foreign born alike) resides when Salvadorans and other Latina/o group members move in? It is also possible that, as disadvantaged as conditions in U.S. barrios may be, immigrant Latinos may use their sending countries, with even worse economic and political conditions, as reference points when assessing their position relative to others, thus canceling out possible inequality effects.

It is also important to note that violence is shaped by gender, and the case of Latinas has been ignored in the social science literature. Research should explore a variety of issues: little is known about the extent or sources of Latina victimization or offending; about whether Latina violence is shaped by interpersonal relations at home, work, school, or in the streets; and about whether immigrant status matters when Latinas report crime. Future studies moving beyond quantitative studies should help us understand why Latinos are less crime-prone than expected in various settings and fill in the gap in the Latina violence literature.

Given the growth in the number of Latinos and the corresponding increase in ethnic diversity across the country, it is important to not only ask more questions about Latina/o violence and delinquency but to answer them with more serious cutting-edge research studies on violence that cross theoretical and methodological approaches, academic disciplines, and data sources. This entry describes many studies focusing on Latinos that serve as starting points for future research, but much more work remains to help assess the powerful protective role of immigration in Latina/o communities and provide more meaningful context to explanations of ethnicity and crime.

Ramiro Martinez, Jr.

See also Immigrants and Crime; Latina/o/s; Media Portrayals of Latina/o/s; Victimization, Latina/o

Further Readings

Martinez, R., Jr. (1996). Latinos and lethal violence: The impact of poverty and inequality. *Social Problems, 43,* 131–146.

Martinez, R., Jr. (2002). Latino homicide: Immigration, violence and community. New York: Routledge.

Peterson, R. D., & Krivo, L. J. (2005). Macrostructural analyses of race, ethnicity, and violent crime: Recent lessons and new directions for research. *Annual Review of Sociology, 31,* 331–356.

Taylor, P. S. (1970). *Mexican labor in the United States* (Vol. 2). New York: Arno Press and New York Times. (Originally published in 1932)

Latina/o/s

Latina/o Americans constitute the fastest-growing pan-ethnic population group in the United States. These self-identified or otherwise identified Latina/o Americans have originated from, or are descendants from, a Spanish-speaking country and share, in some way, a colonial experience from Spain. Although they are homogenous in this sense, they are heterogeneous and diverse in national origin, generational status, geographic residence, Spanish-language capacity, and phenotypic features, as well as other socioeconomic factors. Because the growth of the Latina/o American population in the United States has outpaced

other pan-ethnic groups in the general population, and the increasing numbers of Latina/o Americans in the incarcerated population, their immigration in sheer numbers and increasing diversity have caused social scientists, researchers, policymakers, and laypeople to recognize their impact on the criminal justice system. This entry provides a brief historical account of the Latina/o American population; explores the issue of their identities and categorization; outlines their pan-ethnic and inter-ethnic demographic characteristics; focuses on their involvement in the U.S. criminal justice system—particularly issues surrounding re-arrest, reincarceration, imprisonment, and release; and offers recommendations for future research on this population.

Historical Context

The arrival of the Spanish in North America in the early 16th century marks the time when Latina/o Americans (defined as Spanish-speaking people or descendants of Spanish-speaking people) first inhabited what is now the continental United States. Since that time, Canada, Mexico, and the United States formed, and boundaries between them have been drawn and redrawn. Migration patterns have fluctuated, definitions and prosecutions of immigrant crimes have changed, and political power and economic conditions have become intertwined, all of which have affected Latina/o Americans. For people of Mexican descent—the largest Latina/o American population—many of those now living in the American Southwest that was a part of Mexico prior to the mid-19th century, before the U.S.–Mexican War and the subsequent Treaty of Guadalupe Hidalgo. This group was promised certain rights but did not necessarily receive them.

Enumerating Latina/o Americans, mainly Mexicans, during this time was difficult and was based on inaccurate methodological techniques. Part of the problem that arose and continues is that Latina/o Americans have been identified as a racial group instead of an ethnic group. U.S. intervention in Spanish-speaking countries during the past two centuries has contributed greatly to the influx of and current characteristics of Latina/o Americans currently residing in the United States.

Identities and Categorization

Individuals who would be considered Latina/o American, as specified by the U.S. Census Bureau, come from countries where Spanish is spoken. Other opinions have included those of scholars of Latina/o American studies, who have debated how individuals should be classified as Latina/o American; the general agreement is that those who come from Spanish-speaking places or speak Spanish would be classified as Latina/o American (another suggested term is "Hispanic," although this term generates much less agreement). Under this classification, specific groups who would be considered Latina/o American are from Mexico, the Caribbean (e.g., Puerto Rico), and Central and South American countries (e.g., El Salvador and Venezuela, respectively). The U.S. Census Bureau allows individuals who are Latina/o American to identify as such or as another related pan-ethnic identifier and then to indicate their specific national origin.

Another categorical issue is how to classify this population—as citizens, naturalized citizens, resident "aliens," and/or illegal (undocumented) immigrants. In the most recent decennial census, Latina/o Americans were given the option of identifying themselves not according to their legal identity but rather as belonging to more than one race—which is important to note, because they can belong to any of the constructed racial groups.

The U.S. Census Bureau first began to collect data on immigration in 1860, inquiring about country of origin to identify immigrants, particularly from Mexico. Between 1880 and 1970, the bureau asked questions regarding national origin and information about respondents' parents. From the early part of the 20th century through 1970 (excluding 1950), the U.S. Census concentrated on enumerating immigrants and their children, but individuals were identified and categorized according to the language they spoke at home as children.

In 1930, the U.S. Census Bureau experimented with the term *Mexican* as a race, but because this was difficult to measure, the label was discarded. As an alternative, in the 1950 Census, Spanish surnames were used to identify the Latina/o American population, but this approach was restricted to certain states, and the surnames did

not comprehensively include all of those who identified as Latina/o-Hispanic; or it excluded those who were not descendants of people from other "non-Latina/o" countries. Still, this approach was used until 1980. The U.S. Census Bureau first asked about Hispanic and/or Spanish origin in 1970, listing ethnic and national origin identifiers.

In 1977, the Office of Management and Budget issued Directive 15. This was an influential change in how Latina/o Americans were counted, both in the general population and in the incarcerated population, as Latina/o Americans were required to be included in the national data collection efforts (this was reaffirmed in 1997 by the Interagency Committee for the Review of Racial and Ethnic Standards). However, it was not until the 1980s that criminal justice data on Latina/o Americans was compiled at the federal level.

In 2000, more inclusive categories are included under the Hispanic or Latino race category, and ethnic groups are more easily identified within the category (Mexican, Puerto Rican, Cuban, Other Hispanic, or Latino); in the census, 15% of Latinos identified themselves as such, as opposed to nation-specific ethnic identities. This represented a 200% increase from 1990; in 2000, approximately 10 million individuals identified themselves as "other Hispanic" or "Latino"—again, not by nation-specific origin. In the 21st century, Latinos are expected to be twice as likely to identify as "mixed heritage" than to state a single identity.

Characteristics of the Latina/o American Population

The Latina/o American population now numbers more than 44 million (nearly 15% of the U.S. population), according to nationally projected estimates by the U.S. Census Bureau. Between 2005 and 2006, the Latina/o American population had the largest growth rate (3.4%) of any racial and/or ethnic group. In addition, the population figures for this group increased from just over 22 million in 1990 to slightly more than 35 million in 2000. This 58% increase contrasts with a 13.2% increase for the total U.S. population.

The Latina/o American growth rate of 4.7% between 1990 and 2000 has been attributed mostly to the high birth rates and the increased influx of immigrants, the majority of whom originated in Mexico. During that time, more than half of the Latina/o American population had roots in Mexico (more than two thirds), followed by Puerto Ricans (nearly 10%), Central Americans (approximately 7%), other Latina/o Americans (nearly 7%), South Americans (nearly 6%), Cubans (nearly 4%), Dominicans (nearly 3%), and Spanish (1%).

In terms of demographic indicators, the Latina/o American population has increased to varying degrees in every state. There has been a noticeable migration of Latina/o Americans to cities in the central, midwestern, and southern areas of the United States. The majority (approximately 80%) of this population resides in just nine states: California (30%), Texas (19%), Florida (8%), New York (7%), Illinois (4%), Arizona (4%), New Jersey (3%), Colorado (2%), and New Mexico (2%). Of the states with the highest percentage of Latina/o Americans, New Mexico topped the list at 43%, followed by Texas and California, each at 35%, and Arizona at 28%.

A significant portion of the population of Latina/o Americans consists of those who are foreign born, as well as the undocumented population. According to recent figures, 40% (15 million) of Latina/o Americans in the United States were foreign born, and among them, most (52.1%) came to the United States between 1990 and 2002. Slightly more than a fourth entered in the 1980s, and a little more than a fifth entered the country before 1980.

As for noncitizens, approximately 25% of Latino Americans in the United States can claim that designation. More than 11 million Latinos—regardless of citizenship status—reside in the United States. Of these, an estimated 6 million, or 57%, are from Mexico, and an estimated 80% to 85% of the immigrant population consists of undocumented Mexicans. Of the undocumented immigrants, more than 83% are older than 18 years of age.

Incarceration and Imprisonment

At the end of 2005, more than 1.5 million adults in the United States were under the jurisdiction of either federal or state correctional authorities—including federal and state prisons, territorial

prisons, local jails, Bureau of Immigration and Customs Enforcement (previously the Immigration Naturalization Service), military facilities, jails on Native American land, and juvenile detention facilities. By the end of the same year, approximately 2.3 million had been incarcerated.

Also, it is estimated that more than 5.5 million adults had served time in prison by the end of 2001, and of these individuals, about 1 million were Latina/o Americans. This represented an increase from 102,000 in 1974. Among all Latina/o Americans, the rate of having been incarcerated was 7.7%, and in 2001, 17% of Latino males had a chance of going to prison. Moreover, a projected 1 in 6 Latino American males will go to prison if the current rates of incarceration continue.

In addition, at the end of 2005, the nearly 300,000 Latina/o Americans who were incarcerated represented 20% of the inmate population. This represented an increase of 16% since 1995—the largest increase of any incarcerated racial or ethnic group. An estimated 279,000 of these Latina/o Americans were serving a prison sentence longer than a year. Further, between 1994 and 1997, more than 40% of Latina/o Americans were reconvicted. As for Latina Americans, nearly 16,000 were incarcerated in 2005, a rate of 76 per 100,000 based on those who were likely to be in prison at the end of 2005. In terms of offenses that resulted in incarceration, 2005 data show that for property offenses, 17% of those convicted were Latina/o American, and of the total population incarcerated for drug-related offenses, 23% consisted of Latinos.

A significant aspect of the criminal justice system concerns the sentencing of individuals who are found guilty or who plead guilty. After analyzing the Bureau of Justice Statistics State Court Processing Statistics biannually through the 1990s (through 1996), researchers Demuth and Steffensmeier found that Latina/o Americans received prison sentences corresponding more to African Americans' than to White individuals'. Latina/o Americans, however, have been overrepresented for robbery and drug trafficking violations that result in imprisonment. In regard to decisions regarding length of sentence, those researchers found no evidence of racial and/or ethnic differences.

In addition, in their analysis of individuals processed before trial in large urban court systems, Demuth and Steffensmeier found that 33% of Latina/o Americans were able to meet the financial requirements of bail, compared to 47% of African Americans and 58% of Whites who were able to do so. In analyzing those who were incarcerated before trial, 51% of Latina/o Americans were incarcerated, compared to 42% of African Americans and 32% of Whites.

Latina/o American households are more likely to be victimized by one or more crimes than are either African Americans or White Americans; however, because the National Crime Victimization Survey does not allow for reports of Latina/o Americans as perpetrators, interethnic and intra-ethnic crimes against Latina/o Americans are unknown in the national context. Notwithstanding this methodological problem, violent crimes committed against Latina/o Americans decreased by 56% between 1993 and 2000 (more than 690,000 instances of violent crime); Latina/o Americans were as likely as African Americans and Whites to be victimized.

A majority of incarcerated and imprisoned individuals eventually are released. In a landmark study of prisoner reentry—including re-arrest, reconviction, and reincarceration—of more than 250,000 individuals, released prisoners were tracked for 3 years after their release in 1994. More than two thirds of former inmates who were released were re-arrested for a new offense, and this arrest was almost always for a felony or a "serious" misdemeanor. Fewer than half of those arrested were reconvicted for a crime they had not committed in the past, and just over a fourth were resentenced for a new crime. In terms of re-arrests, similar to the overall inmate cohort released, more than two thirds of Latina/o Americans were re-arrested for a felony or serious misdemeanor, and more than 40% were reconvicted. Approximately half returned to prison eventually, with or without a new sentence; this figure was similar to all prisoners in this study as well. What emerged from this study and was argued by the researchers was that the longer prisoners were incarcerated, the more likely the former inmates were to recommit a new crime after release.

Directions for Future Research

Latina/o Americans are a diverse and heterogeneous population. They have experienced varied

conditions that, for one reason or another, have led some, either as citizens or as noncitizens, to come into contact with the U.S. criminal justice system. Often, demographic and population counts in crime-and-justice-related research have glossed over the interethnic and intraethnic differences and similarities among the many Latina/o American subgroups. The issues explored in this entry warrant further exploration and research to include Latina/o American subgroups. Further, the examination of generational and immigration status and its interaction with community and familial effects has been limited within the context of crime and the criminal justice system as applied to Latina/o Americans.

Recommendations for effectively researching and understanding Latina/o Americans' social, familial, and community experiences include a few pertinent pursuits. Merely extrapolating a compilation of statistics for the larger Latina/o American groups is not enough. Research and study should be expanded to include other subgroups as well. In addition, many research studies have focused on Latinos who are single-ethnic individuals. Bi-ethnic and multiethnic Latina/o Americans must be included in various types of research. Also, nonimmigrant and immigrant Latina/o Americans comprise groups whose experiences living in the United States often are markedly different from other Latina/o American groups, based primarily on legal, and—to a lesser although important extent—to linguistic capacity. Such differentiation should be communicated, outlined, and investigated, as the criminal justice system responds in different ways to these different groups.

Finally, less emphasis should be placed on differentiating Latina/o Americans from other racial and ethnic groups, as this decision results in making broad generalizations without providing unique, clear, substantive insights into the specific group. The recommendations in this brief summary are necessary to advance serious inquiry into understanding Latina/o Americans in a way that produces or contributes to clear, logical, thoughtful clinical and policy interventions.

Damian J. Martinez

See also Domestic Violence, Latina/o/s; Latina/o Criminology; Latino Gangs; Media Portrayals of Latina/o/s; National Council of La Raza; Victimization, Latina/o

Further Readings

Bonczar, T. P. (2003). *Prevalence of imprisonment in the U.S. population, 1974–2001* (No. NCJ 197976). Washington, DC: Bureau of Justice Statistics.

Chapa, J. (2000). Hispanic/Latino ethnicity and identifiers. In M. J. Anderson (Ed.), *Encyclopedia of the U.S. Census* (pp. 243–246). Washington, DC: Congressional Quarterly Press.

Demuth, S., & Steffensmeier, D. (2004). Ethnicity effects on sentence outcomes in large urban courts: Comparisons among White, black, and Hispanic defendants. *Social Science Quarterly, 85*(4), 994–1011.

Guzmán, B. (2001). *The Hispanic population* (No. C2KBR/01-3). Washington, DC: U.S. Government Printing Office.

Harrison, P. M., & Beck, A. J. (2006). *Prisoners in 2005* (No. NCJ 215092). Washington, DC: Bureau of Justice Statistics.

Langan, P. A., & Levin, D. J. (2002). *Recidivism of prisoners released in 1994* (No. NCJ 193427). Washington, DC: Bureau of Justice Statistics.

Martinez, D. J. (2004). Hispanics incarcerated in state correctional facilities: Variations in inmate characteristics across Hispanic subgroups. *Journal of Ethnicity in Criminal Justice, 2*(1/2), 119–131.

Mirandé, A. (1990). *Gringo justice*. Notre Dame, IN: University of Notre Dame Press.

Reynoso, C. (2004). Hispanics and the criminal justice system. In P. S. J. Cafferty & D. W. Engstrom (Eds.), *Hispanics in the United States: An agenda for the twenty-first century* (pp. 277–315). New Brunswick, NJ: Transaction.

Latino Gangs

Latino gang is a broad term that can apply to groups that have ties to Cuba, Colombia, South America, Mexico, Puerto Rico, and the Dominican Republic. Some of these gangs have become a major problem for law enforcement in the United States. The gangs participate in a wide range of criminal activity, including assault, auto theft, robbery, drug trafficking, and homicide. Latino gangs often have distinct ways of dressing (or displaying colors) and communicating (with symbols, graffiti, and tattoos); observe a strict code of silence when dealing with law enforcement; and have an intergenerational membership. The Latino gang culture

exemplifies male machismo. Although women often play secondary roles, there are a few gangs in which women take a more prominent role. Latino gangs are quite effective at defending their geographical territories by using violence that is quite frequently lethal. The entry provides an overview of several Latino gangs that pose a serious threat to their communities: the Mexican Mafia, La Nuestra Familia, Latin Kings, and MS-13.

Mexican Mafia

La Eme, or the Mexican Mafia, was formed in east Los Angeles in the early 1950s. Originally composed of several smaller gangs dating back as early as the 1920s, the Mexican Mafia began as a protection service primarily in the California prison community. By the late 1960s, the Mexican Mafia controlled the majority of illegal activities inside the correctional institutions. As the gang's size and influence increased, so did its brutality. The primary customers of the gang's criminal enterprise were White and African American, but any non-gang member within the system could easily find himself a target of violence. With ruthlessness being key to their success, gang members do not hesitate to eliminate any who get in the way, including rivals or members. Their primary criminal activities inside prison include gambling, drug dealing, and male prostitution rings. Outside of prison in California, La Eme controls gang activity in east Los Angeles as well as other southern California territories and manages most of the drug dealing in these areas. Armed robberies are another major source of income, and any rivals who attempt to move in on the Mexican Mafia's territory face a quick and brutal end. Currently, this gang's presence can be felt in correctional facilities across the United States.

Of all the Mexican gangs, members of the Mexican Mafia are arrested at the highest rate. Theorists explain the arrest disparity in a few different ways. One explanation places responsibility on the extensive crime networks that put more people on the streets doing illegal acts and thus increase the likelihood of contact with law enforcement. Additionally, prison is like home to many members of the gang; they can cope on the inside, whereas they may lack survival skills for mainstream society.

Considered a highly organized and well-established gang by law enforcement, the Mexican Mafia's success can be explained by its leadership system. At the top, the godfather or president wields the most power, and below that position is an underboss or vice president responsible for managing the gang's activities. Within each prison is a regional general, who leads the lieutenants and sergeants in their roles as supervisors to the soldiers and workers. A similar structure comprises the street side of the organizations, and the prison and street leaders are interchangeable, depending on who is in prison and who is on the street at any given time. Historically, a member released from prison could leave the gang; however, disassociation is no longer accepted. Currently, anyone who attempts to defect is killed. Once a member is released from prison, he is expected to make contact with other members on the outside and continue illicit operations or pay with his life.

The Mexican Mafia is represented by the Mexican flag or by the flag's colors—red, green, and white. Other symbols include MM, M, EME, a single black handprint, or the number 13, which stands for the 13th letter of the alphabet (M). They are very closely allied with the Surenos and with MS-13.

La Nuestra Familia

Established in 1958, La Nuestra Familia is the rival gang of the Mexican Mafia. Translated into English, their name means "Our Family." The gang consists of Mexican Americans from the Los Angeles area. Unlike La Eme, La Nuestra Familia is involved with many Chinese gangs, such as the Wah Ching and Chung Ching Yee. Through these alliances, La Nuestra Familia participates in both the trafficking and sale of heroin. Throughout the 1980s, La Nuestra Familia experienced a great decline in power because of membership loss and inefficient management. As its members deserted in large numbers, leaders promised reform but did not implement successful strategies to maintain dominance in the crime world. Its primary rival, the Mexican Mafia, was gaining influence and taking over former La Nuestra Familia's territory. Concomitantly, law enforcement increased its crime control efforts, arresting and charging many

leaders under the Racketeer Influenced Corrupt Organization (RICO) laws, which ultimately weakened the organization.

The family made money through other criminal activities, including burglary, robbery, and larceny. While not as violent and brutal as its rival, La Nuestra Familia will not hesitate to protect its assets or operation through the use of violence. La Nuestra Familia's drug ring extends to both the streets and prison.

Military rank structure applies to this gang as well. Generals command inside the correctional system as well as outside and use captains as overseers. Captains are in charge of lieutenants who directly command the soldiers, the lowest rank in the system. Mobility is possible, as opportunities for advancement are present. If a member shows outstanding executive abilities or performs three killings, he is eligible for promotion.

Symbols for La Nuestra Familia include NF, LNF, and the number 14, which stands for the 14th letter of the alphabet, N. They are closely allied with the Nortenos and have an uneasy working relationship with Black Guerilla Family (they have common enemies).

Almighty Latin King and Queen Nation

The Almighty Latin King and Queen Nation (ALKQN) is a gang who closely resemble the Chinese street gangs of New York; their original purpose was to protect the residents of their neighborhoods from unprovoked attacks from competitors or other ethnic groups. First appearing in Chicago about 50 years ago, the Latin Kings were fierce protectors of Hispanic culture and, consequently, their territory. They also had a significant presence in Illinois prisons, where ethnic stratification forced Latino inmates together. Most ALKQN members were in the prison system when they joined. Their presence has recently expanded to the streets as many members released from prison continue their participation in crime. Their primary income derives from street-level drug trafficking, but they are also involved in extortion and arms trafficking. Recruitment takes place both in prison and in Latina/o neighborhoods, where gang members appeal to young Latinos by stressing Latin pride and heritage. ALKQN maintain a dominant presence in Illinois, Connecticut, and New York. Although the overwhelming majority of their membership is Latino, a small percentage is African American as well as White.

Departing from other gang structures, the Latin Kings designate members' positions by age. "Pee Wee" members are newly recruited members between 10 and 12 years of age. "Juniors" are between the ages of 12 and 14, and "Homeboys" are between the ages of 16 and 20. Females, who are required to follow all of the same codes as the males, are considered part of the Almighty Latin Queen Nation, and play supporting roles to Kings' criminal activities and act as sex partners to the male members. However, the Kings and Queens don't adhere to strict gender norms; many females occupy important leadership roles and follow the same code as males. For members who do not follow the codes, serious consequences await. A disobedient gang member can expect beatings, torture, or murder as possible punishment, but offenders are given a trial and able to defend themselves; if they cannot be present, they may submit their defenses in writing.

The Almighty Latin King and Queen Nation has a very complex and highly organized leadership system and is seen by experts as one of the largest and most structured gangs in the United States. The Council Committee sits at the top of the leadership pyramid and has a Crown Chairman with complete control over the gang; his second in command is the Executive Crown. The Prime Minister of Defense directs all security issues, and the Crown Treasurer manages the gang's financial matters. The Crown Secretariat is in charge of all administrative duties. The second level of leadership is the Supreme Chapter. The Supreme First Crown runs his region, with the Supreme Second Crown as his second in charge. His commands are considered law and must be followed. The Supreme Warlord Nation maintains order in the gang and imposes punishments among members who fail to comply with the guidelines. His primary muscle is the Supreme Crown of Arms, who upgrades the gang's weapons arsenal. The Regional Chapter is the lowest level of organization. The First Crown and Second Crown share control of a specific area. The Minister of Defense maintains records of possible threats to the gang and ongoing conflicts. His primary assistant is the Crown of Arms. The Crown Advisor is similar

to a historian; he maintains records of the gang's procedures and past. Finally, the Crown Prince is responsible for all field operations, ensuring that everyone participates and performs his or her tasks correctly. ALKQN earns its reputation of possessing a thorough organizational structure.

The Latin Kings favor the colors black and gold. Black symbolizes death, while gold symbolizes life. To show respect, many gang members will wear black beads to represent deceased ALKQN members. The primary symbol for the ALKQN is a five-point golden crown. Each point on the crown stands for one of the characteristics of love, respect, honor, sacrifice, and obedience. Gang members attribute their problems to White, upper-class society and their perpetuation of inequality within society and government.

MS-13

Established in Los Angeles in the early 1980s, Mara Salvatrucha, or MS-13, has quickly become one of the most dangerous Latina/o gangs in America. With a civil war raging in El Salvador, people being hunted by death squads needed a way out of the danger. They found asylum in the United States, but given the prevalence of Latina/o gangs in California, the Salvadorans quickly became rivals for territory with the local Mexican gangs. In order to survive, they created their own organization, using Latin heritage as a hook for recruiting purposes. While MS-13 was originally formed for protection of displaced immigrants, the group rapidly transformed into a violent criminal organization. As the 12-year-long civil war raged in El Salvador, Salvadorans continued to move to Los Angeles and also to Washington, D.C. Many of the Salvadorans maintained ties to their resistance groups in El Salvador, including the Farabundo Marti National Liberation Front (in Spanish, the *Frente Farabundo Martí para la Liberación Nacional*) and La Mara, a violent street gang in El Salvador. Members of these groups are hard-core, highly trained guerillas, capable of using many different types of explosives and booby traps.

MS-13 exists in at least 42 American states and most of Central America. Law enforcement officials remain unclear about the specific leadership system in MS-13, including the existence of a central council. According to the Federal Bureau of Investigation, MS-13 is a loosely structured street gang and not a highly organized criminal enterprise. In the United States, arrests of MS-13 members have taken place in Georgia, West Virginia, Iowa, Illinois, New York, New Jersey, Alaska, North Carolina, Florida, Virginia, Texas, California, Washington, D.C., and many other cities and states; they cover a large territory despite their reputation of being less orderly than other gangs. MS-13 members can be found in the prison systems of New York, Virginia, Maryland, Guatemala, and El Salvador.

In El Salvador, MS-13's reputation is that of a dangerous and brutal paramilitary group. They are responsible for countless beheadings and grenade attacks throughout Central American countries. Initiation, not surprisingly, is quite brutal. While many MS-13 cliques have a traditional brutal jumping-in process, more hard-core cliques require a potential member to commit a violent offense, such as a rape, murder, or beating. Females seeking initiation have an additional option of being "sexed in" by having sex with six of the strongest members of that clique. However, females can also be jumped in with some women and show even more violent behavior than their male counterparts. Once the member has been initiated, death is the only way out of the gang. Deserters are brutally killed, reflecting the influence of past Latin American warfare on the group. This ritual may act as a deterrent to other members. Gang members often dismember victims with a machete and frequently behead them. Rape, drug dealing, people smuggling, assault, prostitution, kidnapping, home invasions, and vandalism are frequently used intimidation tactics.

Criminal activity in MS-13 is quite extensive. Because of their guerilla ties in Central America, MS-13 has easy access to military-grade arms like grenades and automatic weapons, positioning MS-13 in the crime world as a major illegal arms distributor. Auto theft is another profitable criminal enterprise in the network. Members steal cars in the United States and ship them back to El Salvador and South America. An estimated 80% of vehicles owned in El Salvador were stolen in the United States.

Law enforcement use multiple strategies to apprehend MS-13 members and stop their activities. By arresting and deporting members, the police can reduce the MS-13 presence, but neither of these approaches is very effective in ending the MS-13 reign. MS-13 has such a large hold on prison culture that many members consider it a privilege to be incarcerated, and there is a 60% incarceration rate for gang members. Deportation is ineffective as well, because it sends MS-13 leadership back to the host country to recruit even more members. However, deportation is more feared by MS-13 members than prison. Once they are deported, they become priority targets for Sombra Negra, or Black Shadow. The El Salvadorian government denies Sombra Negra's existence, but it is identified by others as a death squad administering vigilante justice to high-profile criminals and gang members. Rumors suggest Sombra Negra is made up of military personnel and police officers.

While the MS-13 fear Sombra Negra, they do not fear the police in Central American countries. When police make an important arrest in the gang, MS-13 retaliate against them using brutal tactics and traps. Not easily intimidated, law enforcement officers are frequently assaulted, and several federal agents have been killed in their work against MS-13. To help combat this powerful gang, the FBI created an MS-13 National Gang Task Force in 2004.

Members of MS-13 prominently display and even flaunt their membership. Representing colors include blue and white, which are taken from the Salvadorian flag. Members are usually heavily tattooed, with ink covering most of their bodies, including the face. A typical hand signal is three fingers spread apart and pointing, so that it resembles an "M." Rivalries include the 18th Street Gang, the Brown Pride Gang, Salvadorians With Pride (SWP-18), La 18, 42nd Street Little Criminals, the Surenos, and the Latin Kings.

Catherine E. Burton and
Daniel P. Stevens

See also Mara Salvatrucha (MS-13); Prison Gangs; Subculture of Violence Theory

Further Readings

Brotherton, D., & Barrios, L. (2004). *The almighty Latin king and queen nation*. New York: Columbia University Press.

Federal Bureau of Investigation. (2006, April). A close-up of MS-13: FBI executive visits El Salvador. *National Gang Threat Assessment 2005*. Washington, DC: Department of Justice. Retrieved from http://www.fbi.gov/page2/april06/burrus041906.htm

Federal Bureau of Investigation. (2008, January). The MS-13 threat: A national assessment. *Headline Archives (Violent Gang Website)*. Washington, DC: Department of Justice. Retrieved from http://www.fbi.gov/page2/jan08/ms13_011408.html

Grennan, S., & Britz, M. (2006). *Organized crime: A worldwide perspective*. Upper Saddle River, NJ: Prentice Hall.

Grennan, S., Britz, M., Rush, J, & Barker, T. (2000). *Gangs: An international approach*. Upper Saddle River, NJ: Prentice Hall.

Knox, G. W. (2000). *An introduction to gangs*. Chicago: New Chicago School Press.

Swecker, C. (2005, April). Statement before the subcommittee on the western hemisphere international relations. *Congressional testimony 2005*. Washington, DC: Department of Justice. Retrieved from http://www.fbi.gov/congress/congress05/swecker042005.htm

LatinoJustice PRLDEF

LatinoJustice PRLDEF (formerly the Puerto Rican Legal Defense and Education Fund) is an organization that supports the Latina/o community to create an equal society among all. LatinoJustice PRLDEF creates opportunities for Latinos by using the legal system, education, policy, support, and sponsorship. LatinoJustice PRLDEF wants these citizens to garner success at work, school, and home and to fulfill their dreams. This entry reviews the history of LatinoJustice PRLDEF, the details of the first case litigated by the organization, a more recent illustration of LatinoJustice PRLDEF litigation, and some closing thoughts on the organization and its role in society.

History of LatinoJustice PRLDEF

After World War II, Puerto Ricans began migrating to the United States in an effort to attain a better life. These immigrants endured many hardships, including trouble finding employment and not receiving the proper education at school. Another issue was the fact that they were widely viewed as illegal immigrants when in fact they were legal U.S. citizens. On March 12, 1917, President Woodrow Wilson approved the Jones-Shafroth Act, thereby cementing Puerto Ricans' place in the United States. The act separated the executive, legislative, and judicial branches of the Puerto Rican government, empowered individuals with civil rights, and implemented an elected bicameral legislature; that is, the legislature is divided into two houses: the upper, which is the Senate, and the lower, known as the House of Representatives. The governor of Puerto Rico and the president of the United States retain the right to veto acts passed by the legislature. Moreover, the U.S. Congress has the power to halt any action taken by the legislature. Lastly, the United States maintains control over all mail services, defense, immigration, fiscal and economic matters, and all other basic governmental affairs. This law was passed 19 years after the Spanish ceded Puerto Rico to the United States upon the conclusion of the Spanish-American War in 1898.

Victor Marrero, Cesar Perales, and Jorge Batista, all lawyers, were the founding fathers of PRLDEF. This program was established in 1972 in an unremarkable building on Second Avenue in New York City to give legal support to the Puerto Rican community. Soon afterward, this new organization was approached by Aspira, a youth development group, with their first legal case. The importance of LatinoJustice PRLDEF is that it helps provide Latinos an opportunity to succeed with their education, employment, and voting and to ensure that Latinos have a voice in American democracy.

LatinoJustice PRLDEF's First Case

In 1972 the youth development group Aspira approached PRLDEF to request help with a case against the New York City Board of Education. Aspira is a national nonprofit group committed to leadership development and education of the Puerto Rican community. The name Aspira is derived from the Spanish word *aspirar*, or *aspire* in English. In that year there were approximately 1,130,000 registered immigrant students in the United States. Out of that total, 27% (nearly 260,000) were Puerto Rican students who lived in New York. The problem was that few teachers were bilingual and could not help the children who were not proficient in English to get the proper education. Instead of addressing the issue, the board of education ignored it, and those children did not receive the proper education. These children were identified as limited English proficiency (LEP) students.

A consent decree was issued that put into operation a program that would transition the students from Spanish speaking to English speaking over a period of time while also allowing the students to learn the current curriculum. Essentially it was a start to the current English as a Second Language programs now in service at schools with non–English-speaking students. Although the case *Aspira v. the Board of Education of the City of New York* was won and a new program was put into service, all was not well. There was still the issue of actually implementing the verdict at educational institutions. The result came 4 years after the board and Aspira had arrived at an agreement. LEP students were offered a way to receive the same education as the other students, while also participating in a program designed to teach them the English language.

After 10 years, a review was conducted and the results implied that although the courts had played a major role in changing the face of education and its approach to the LEP students, large numbers of non–English-speaking students at all grade levels still were not receiving a proper education. The immigrant students were being left behind in all the basic educational necessities. In most of the cases, the students spoke little or no English but were forced to attend classes where all the texts, subjects, and instruction were provided only in English. Consequently they were failing math, English, science, and social studies. The problem stemmed from the inability to monitor and enforce the decree at schools and from not following up on schools that did adhere to the decree in order to

distinguish the educational benefits for the students who did participate. The solution to this seemingly insurmountable problem was actually quite simple. It required the active participation of the students' parents to keep applying pressure to the faculty and for politicians at the local and state levels to implement policies that address language issues at school.

Recent Case Handled by LatinoJustice PRLDEF

In the small town of Mamaroneck, New York, a number of day laborers had been accustomed to making the trek from home, and some from other villages, to a local park. All of these 200 or so men, mostly immigrants who could not speak English, came to this location daily, and had done so for years past, where contractors and various other employment providers would come to hire the workers. For most of these men, this was their only source of income. In the spring of 2006, the village mayor ordered the village's police department to close down the hiring site.

On April 27, 2006, a couple of weeks after the hiring site in the village closed down, representatives of PRLDEF and of the village of Mamaroneck entered the courtroom as participants in a lawsuit filed by six of the day laborers. During the hearing it emerged that police officers had set up checkpoints for contractors and various other individuals looking for laborers while other officers were aggressively ticketing any of the men who tried to approach the original site to look for work. In some instances the officers had followed laborers around in a police cruiser with lights flashing and would ticket anyone who approached them. Later, police had begun following the day laborers even when they were not in the park. The mayor stated that these actions were taken to protect the people and in order to keep the park clean. Some specific reasons for initiating a ban on laborers gathering at the park were given, but the accusations were found to be without merit. In fact crime had not risen and the laborers were not trashing the park. Finally, it emerged that only Latinos had been targeted during this operation.

After the first court date, when matters did not proceed in the village's favor, the mayor approached the laborers, and the parties began negotiating to settle the matter out of court. Without acknowledging any wrongdoing on the part of the village, the mayor met with six of the immigrants to discuss how to improve the relations between laborers and police while also creating a safe and secure environment for all local residents. Subsequently, the village allowed the laborers to resume gathering at or near the original location, where many continued working for the contractors as before. On June 11, 2007, the two sides came to a settlement. Mamaroneck police officers have been prohibited from discrimination against day laborers or misconduct toward them. The village also agreed to pay $550,000 for the day laborers' legal fees. To ensure that the village follows the order, a court-appointed monitor was assigned.

Conclusion

LatinoJustice PRLDEF is intended to help Latinos secure the benefits to which they are entitled as citizens. LatinoJustice PRLDEF works to ensure that LEP students in the U.S. educational system will receive the proper education. In the *Aspira v. Board of Education of the City of New York* (1972) decision, the court ruled in favor of the immigrants and simply ordered that no educational facility will deter a student from receiving suitable education on the basis of an inability to use the English language. In 2002 in Connecticut, PRLDEF filed an unfair labor suit against Beauty Enterprises when that company tried to impose an English-only mandate within the company, thus discriminating against its Latina/o employees only. PRLDEF was also responsible for helping diversify the New York Police Department (NYPD). In 1972 the NYPD was dominated by White officers. Now all races are participating in keeping the streets of the city safe, and many Latina/o officers patrol as well as have higher-ranking positions on the NYPD. Cesar Perales is still involved with the PRDLEF to this day.

Abraham Castillo

See also NAACP Legal Defense Fund; National Association for the Advancement of Colored People (NAACP); Universal Negro Improvement Association; W. Haywood Burns Institute for Juvenile Justice Fairness and Equity

Further Readings

Lambert, B. (2005, December 17). L.I. is ordered to give notice of house raids. *The New York Times*. Retrieved from http://www.nytimes.com/2005/12/17/nyregion/17brookhaven.html

O'Connor, A. (2006, May 20). Mamaroneck seeks to settle lawsuit filed by laborers. *The New York Times*. Retrieved from http://www.nytimes.com/2006/05/20/nyregion/20westchester.html

Santiago, I. (1986, November). The education of Hispanic Americans: A challenge for the future. *American Journal of Education*, *995*(1), 149–199.

U.S. Census Bureau. (2004, March). *Global population profile: 2002* (International Population Report No. WP/02). Retrieved from http://www.census.gov/prod/2004pubs/wp-02.pdf

Websites

LatinoJustice PRLDEF: http://www.prldef.org

League of United Latin American Citizens

The League of United Latin American Citizens (LULAC) was formed on February 17, 1929, in Corpus Christi, Texas. It is the oldest and largest Hispanic advocacy group in the United States. Its roots and reason for existing, however, go back nearly 100 years prior to its inception. LULAC has played an important role in justice for Mexican Americans. This entry describes the history, mission, role of LULAC in addressing racial discrimination faced by Mexican Americans, and its future.

Beginnings

In the early 1800s, Mexico held claim to a large portion of what is now the modern United States of America. In 1835, the residents of the Mexican province of Texas revolted against the government of Mexico, beginning the Texas War of Independence. After more than a year of fighting battles, including the famous battle of the Alamo, Mexican President Santa Anna signed the Treaty of Velasco in 1836, ceding what is now the state of Texas. The newly emerging Republic of Texas continued to deal with border disputes with Mexico and in 1845 decided to join the United States. This action led in 1846 to the U.S.–Mexican War, which after 2 years culminated in Mexico's defeat and the subsequent annexation of land previously held by Mexico. This land today constitutes the states of California, Arizona, New Mexico, Nevada, and Utah.

With literally the stroke of a pen, 77,000 Mexicans became U.S. citizens. These Mexican American citizens suffered a great deal of discrimination for generations. Relegated to second-class citizen status, Mexican Americans were denied basic civil rights, their land was often taken from them, and they were segregated from mainstream American society. Like the Blacks in the South, Mexican Americans were forced to use "Mexican only" water fountains and were not served in White restaurants.

The emergence of LULAC was more of a progression than a revolution. Several Mexican American organizations were already in existence prior to LULAC. The most influential of these groups were the Knights of America, the Order of the Sons of America, and the newly formed League of Latin American Citizens. Ben Garza, a Corpus Christi businessman and a leader in the Order of the Sons of America, called for the uniting of all Mexican American organizations. Bringing together the leaders of these groups, Garza proposed a merger, and on February 17, 1929, in Corpus Christi, Texas, Ben Garza was installed as the chair of the unified organization now known as the League of United Latin American Citizens; its motto is "All for One, One for All."

Mission

The official mission statement of LULAC is to "advance the economic condition, educational attainment, political influence, health and civil rights of the Hispanic population in the United States." Mandated by the leadership of LULAC, these goals were to be attained by adopting cultural patterns and attitudes of American society. This process of assimilation served two purposes. First, it portrayed a group who believed in the "American way"—that education and hard work are valued and will be compensated both

economically and civilly. Second, it diffused fear that LULAC was a fringe group promoting an "un-American" agenda. To emphasize that it was indeed an American organization with corresponding values, LULAC adopted the American flag as its official flag and "America the Beautiful" as the official song. LULAC members were also encouraged to learn the English language as well as to obtain citizenship.

Today LULAC has more than 115,000 members spread across 700 councils in the United States and Puerto Rico. LULAC continues to be an effective advocate at the local level as well as a national political powerhouse. In keeping with its mission statement, LULAC operates 48 employment centers offering job placement as well as job skills training. Operating 16 regional education centers throughout the United States, LULAC provides educational services as well as financial assistance and counseling to more than 18,000 students a year. LULAC, through community partnerships and corporate sponsors, also awards $1 million a year in scholarships.

Politics

The founders of LULAC recognized the racial discrimination faced by Mexican Americans. Leaders of LULAC truly believed that by assimilating into the culture of America and embracing American values, Mexican Americans could overcome racial bias. Its deliberate manner of dealing with racial, economic, and civil rights issues faced by Mexican Americans through the legal system has set LULAC apart from other, perhaps more confrontational, Hispanic advocacy groups and has contributed to its success over the past 75 years. Adhering to this policy, LULAC has brought forth and won many important legal battles, benefiting not only Mexican Americans but all minority classes.

Probably the most important piece of litigation brought forth by LULAC is the 1946 case *Mendez v. Westminster*. Gonzalo and Felicitas Mendez sued the Westminster School District of Orange County, California, when their children were denied enrollment at the Main Street School. The basis for the denial was that Mexicans were inferior and needed separate schools because of their lack of English proficiency. The Mendezes won, and the case was upheld by the Ninth Federal District Court. As a direct result of the *Mendez* case, California on June 14, 1947, passed the Anderson Bill, repealing all California school codes mandating segregation. The bill was signed into law by then-California Governor Earl Warren, who would later, as a Supreme Court Justice, write the majority opinion in the *Brown v. Board of Education* decision.

Another landmark case, *Hernandez v. Texas,* was brought forth by LULAC in 1954 and was eventually decided in the U.S. Supreme Court. This case involved the systematic exclusion of Mexican Americans from juries in Jackson County, Texas. The decision won the right of Mexican Americans to serve on juries and was once again written by Justice Earl Warren, who stated in his majority opinion that members of a class cannot be systematically excluded; juries should be selected from all qualified persons regardless of national origin or descent.

Programs

In keeping with the spirit of working hard and being self-sufficient, LULAC does not rely solely on the courts or the political winds of change to advance its mission. Rather, LULAC continues to develop and nurture new ideas. Many of these ideas have become national programs that further its mission of advancing the economic condition, educational attainment, political influence, and health and civil rights of the Hispanic population. These programs are discussed next.

American GI Forum

Facilitated by LULAC, the GI Forum was formed by Dr. Hector P. Garcia, a returning World War II veteran in 1946. The organization's main goals were to fight against discrimination of all veterans, regardless of race, color, sex, age or national origin. With a decidedly Mexican American bent due to its roots in Deep South Texas, the GI Forum has fought issues ranging from the failure of the Veteran's Administration to deliver benefits to military veterans to ensuring that convicted murderers receive their due process rights guaranteed under the Constitution.

Mexican American Legal Defense and Educational Fund

Founded in 1968 by Pete Tijerina, LULAC's civil rights chairman for the state of Texas at that time, the Mexican American Legal Defense and Educational Fund's (MALDEF) mission is to foster sound public policies, laws, and programs to safeguard the civil rights of the 45 million Latinos living in the United States and to empower the Latina/o community to fully participate in our society. Not only does MALDEF provide financial assistance for legal defense for Mexican Americans, it also provides scholarship money to Hispanic law students.

SER: Jobs for Progress

SER is an acronym for "Service, Employment and Redevelopment," and in Spanish, *ser* means "to be." Formed in 1965, SER is recognized by the U.S. Department of Labor as the premier community-based organization serving the employment needs of the Hispanic community. SER provides a multitude of services not only to Hispanics but to anyone in need of employment education assistance or job placement. Funded by the U.S. Department of Labor as well as corporations such as The Home Depot, SER has provided service to more than 1 million people since its inception.

Robert Irving

See also Immigration Legislation; Jury Selection; Latina/o/s; Media Portrayals of Latina/o/s

Further Readings

Allsup, C. (1982). *American G. I. Forum: Origins and evolution.* Austin: University of Texas Press.

Hernandez v. Texas, 347 U.S. 475 (1954). Certiorari to the court of criminal appeals of Texas.

Kanellos, N. (1993). *The Hispanic-American Almanac: A reference work on Hispanics in the United States.* Detroit, MI: Gale.

League of United Latin American Citizens. (n.d.). *"All for One—One for All"—History of LULAC.* Retrieved September 3, 2008, from http://www.lulac.org/about/history.html

Lee, R. (2008). *The Mexican-American War.* Retrieved http://www.historyguy.com

Marquez, B. (1989, June). The politics of race and assimilation: The League of United Latin American Citizens 1929–40. *The Western Political Quarterly*, *42*(2), 355–375.

Meier, M. S., & Gutierrez, M. (2000). *Encyclopedia of the Mexican American civil rights movement.* Westport, CT: Greenwood.

Meier, M. S., & Rivera, F. (1981). *Dictionary of Mexican American history.* Westport, CT: Greenwood.

Mendez v. Westminster School Dist. of Orange County, 64 F.Supp. 544 (D.C. Cal. 1946).

Nevaer, L. E., & Ekstein, V. P. (2007). *HR and the new Hispanic workforce: A comprehensive guide to cultivating and leveraging employee success.* Mountain View, CA: Davies-Black.

Websites

Mexican American Legal Defense and Educational Fund: http://www.MALDEF.org

Los Angeles Race Riot of 1965

In 1965, the city of Los Angeles endured one of the worst riots in its history. Although the riot was prompted by a single incident, the predominantly Black area known as Watts was characterized by a widespread perception and feelings of racial isolation, grievance, and discrimination. These racial issues, prevalent throughout the United States at that time, sparked several riots in cities across the country. In Los Angeles, however, the riots reached such great proportions that law enforcement was stymied as to how to respond. This entry examines the root causes of the riot, including the building tensions within the Black community and the incident that seemingly prompted the violent rioting, which ensued for 6 straight days. This entry also explores the findings and policy proposals of the California Governor's Commission submitted in the aftermath of the riot as well as criticism of some of the points made in that report.

Racial Tensions in the Summer of 1965

In the summer of 1964, riots broke out in at least seven major cities around the United States. Fueled by racial tensions, many of participants in

these riots were similar in their ethnic makeup to the Watts area of Los Angeles. Unlike Los Angeles, however, many of these riots were more easily contained and law enforcement was able to get them quickly under control. Although the specific causes of the riots are not known, several factors may have contributed to the buildup of racial tensions in the area.

Since World War II, many of the large cities had witnessed a displacement of populations. Black populations began to fill the central city areas, while White populations began moving into the suburban areas. The increasing density of Blacks in these areas created a variety of social, economic, and law enforcement problems that likely established the foundation for the Los Angeles Riot of 1965, also known as the "Watts Riots."

Blacks who moved into the larger cities were hoping for more opportunities than their ancestors had had in the rural communities from which they came. However, what they found was that they lacked the education, skills and training needed for success in a modern city. Due to the displacement of Whites to the suburbs, pockets of Black communities began to experience social and economic isolation. The high density of Blacks in these areas made employment difficult to find, social programs were insufficient, and law enforcement was tenuous at best. Paramount to these issues was the ever-present feeling of resentment that Blacks had toward their situation. Lack of education and employment created a sense of failure, which contributed to a continuously disintegrating social fabric within the Black communities. All of these issues would continue to add to the buildup of resentment; ultimately one incident would be enough to spark the violent protest that would become a 6-day riot.

The Riot

On August 11, 1965, a California Highway Patrolman made a routine stop on a car that was being driven recklessly. The stop occurred in a Black neighborhood near the area of Los Angeles known as Watts. Two brothers were in the car: Marquette Frye (driver) and Ronald Frye (passenger). Marquette appeared intoxicated and was asked to exit the car and take a standard field sobriety test. Upon failing the sobriety test, Marquette Frye was placed under arrest, and Ronald Frye went to his nearby home to get his mother so she could claim the car. The patrolman radioed to have the car towed. Both the tow truck and Ronald and Mrs. Frye arrived back at the scene at the same time. At this point, approximately 250 spectators had gathered. Marquette Frye, who was still under arrest, had a mild altercation with his mother and then began to shout into the crowd that the officers would have to kill him before he would be taken to jail. With this incitement, the crowd became hostile and began to harass the patrolmen at the scene. As several other highway patrolmen arrived to assist, the Frye brothers began to fight with the officers. All three Fryes were placed under arrest. By then, the crowd had grown to more than 1,000 people.

As tensions continued to escalate, the officers arrested two more people at the scene. When the officers drove away, the mob threw rocks at their car. As word of this incident spread, many false and distorted stories began to circulate throughout the neighborhood. It was believed that the police mistreated the Fryes and that the police may have beaten and arrested a pregnant woman. Within an hour of the incident, the mob began to throw rocks, pull motorists out of their cars, vandalize buildings, and loot stores.

Initially, it appeared that the incident was confined to that one night. Los Angeles Police Department (LAPD) met with leaders of the Black community the next day to persuade them to calm the crowds. However, this meeting turned into a forum to discuss the grievances of the Black communities. LAPD intended to remove White police officers from the troubled area and replace them with Black police officers, an untried method of crowd and riot control. Before this new method could be implemented, rioting broke out again. On Friday morning, August 13, about 1,000 National Guardsmen were requested, but they were not deployed until late that evening. Until this point, the rioting was contained inside the Watts area. As Friday evening progressed, the rioting had spread to surrounding areas of southeast Los Angeles. The rioting was so widespread by the end of Friday evening that a curfew was established for subsequent nights. Any unauthorized persons on the streets after 8:00 p.m. would be

arrested. Control of the situation was not regained until late Saturday. The rioting continued sporadically for the next few days.

The statistics taken after the riots reported that 34 people were killed, including two law enforcement officers, and more than 1,000 people were injured. The estimated property damages exceeded $40 million, with more than 600 buildings damaged by fire or looting. More than 3,000 people were arrested, including juveniles. Of the 2,000 adult felony cases filed, more than 800 were found guilty.

The Governor's Commission

As the LAPD and the National Guard contained the majority of the rioting, Los Angeles started to return to normal. The curfew was lifted when the looting stopped, and the focus began to shift on the reasons the rioting occurred. The California governor at the time, Edmund Brown, asked for a commission to be formed to seek an immediate explanation for the riots. The commission, headed by John McCone (and subsequently known as the "McCone Commission") consisted of notable representatives from all levels of government, law enforcement, and the local communities. The goal of the commission was to provide an objective viewpoint on the root causes of the Los Angeles riots.

The McCone Commission took 100 days before publishing their final report. The 90-page report consisted of an extensive background on the social and economic conditions of Los Angeles, specifically regarding Black and other minority communities. The report not only highlighted several key areas that may have significantly contributed to the pervasive discontent but also provided several recommendations on how to address these areas. One conclusion was that there was no single root cause for why these riots occurred. Rather, the commission reported that the riots were a symptom of the larger social, psychological, and economic picture of the minority communities in Los Angeles in the 1960s.

The commission recommended several major changes. One of these recommendations involved revamping police tactics and involvement within the communities to improve police–community relations. These improved relations would allow the communication lines to be more open between communities and law enforcement. Another change recommended was to minimize the social isolation Black communities feel. This could be accomplished by integrating community programs between the suburban White communities and the central district Black communities. A third change recommended by the McCone Commission was to provide more social programs targeting minority youth in order to prevent the discontent and frustration caused by poor education and limited employment opportunities. Ultimately, the McCone Commission called for improved leadership in government administration, law enforcement, businesses, schools, and the communities.

Criticisms of the McCone Commission Report

Although the McCone Commission accomplished its goal of promptly delivering a detailed report of the Los Angeles Riots of 1965, it has been criticized as being hastily written and only scratching the surface of the deeper problems manifested during the riots. Critics argue that the McCone Commission was established to appease the public and make it appear that something was being done to prevent future rioting. Therefore, critics say many of the conclusions drawn in the McCone Commission report are vague, ambiguous, and abstract. Additionally, the theories proposed apply only to specific facets of the riots but not to the social situation as a whole. One criticism of the McCone Commission report is that it marginalized the riots by stating that they were unwarranted and not directly connected to the general discontent felt by the minority communities. Another criticism is that the commission failed to understand the true plight of the minority communities and stereotyped many of the social perceptions incorrectly.

The Los Angeles Riots of 1965 had been difficult to predict as well as difficult to stifle. Whether the riots occurred because of one incident or because of a series of events creating widespread racial discontent, it is certain the riots terrorized Los Angeles for 6 days. The McCone Commission proffered several policy changes that could be effective; however, solving the root problems of

racial discontent would continue to pose problems. Los Angeles would experience more riots throughout the next 30 years.

Jennifer Lasswell

See also Los Angeles Race Riots of 1992; Race Relations; Race Riots; Zoot Suit Riots

Further Readings

Baldassare, M. (Ed.). (1994). *The Los Angeles riots: Lessons for the urban future*. Boulder, CO: Westview.

Fogelson, R. M. (Ed.). (1969). *Mass violence in America: The Los Angeles riots*. New York: Arno Press and the New York Times.

Jacobs, P. (1967). *Prelude to riot: A view of urban America from the bottom*. New York: Random House.

Menninger, W. W. (1970). Violence and the urban crisis. *Crime & Delinquency, 16*, 229–237.

Los Angeles Race Riots of 1992

The connection between race and crime is clear in the Los Angeles Riots of 1992. The message sent by the acquittal of four White officers accused of assaulting and using excessive force on a Black man struck a chord across the country. In the years following the civil rights movement and the Watts Riots in the 1960s, Los Angeles had remained highly segregated, with poverty and economic inequalities concentrated within the African American population. The acquittal of the White officers was the proverbial last straw for many Los Angelenos, igniting riots across the city in protest to the inequalities and prejudice felt by many African Americans. Lasting 5 days, the riots resulted in death and injuries among rioters and innocent bystanders, as well as property damage. The riots live on in infamy for those who survived in Los Angeles and those who watched the gruesome scenes unfold on television. Many researchers have compiled studies on how the Los Angeles Riots of 1992 affected the country, ushering in a tide of awareness of the inequalities inherent in American life as well as issues within the criminal justice system.

The Beginning

Shortly after midnight on March 3, 1991, Rodney King was driving down Interstate 210, the Foothill Freeway in Los Angeles. Police officers Tim and Melanie Singer, members of the California Highway Patrol, signaled King's speeding car to pull over, beginning a 7.8-mile pursuit. King's Hyundai Excel was clocked at speeds of 110 to 115 mph while on the freeway and about 85 mph on residential streets. As King led police through the streets of Los Angeles, the Los Angeles Police Department (LAPD) joined pursuit. In total, there were about 15 LAPD officers, including an LAPD helicopter. When King finally heeded orders to stop near Hansen Dam Park, he ignored commands to step out of the vehicle. Officers on the scene described his behavior as erratic; he seemed drunk or under the influence of phencyclidine (PCP). Tasers were readied for action, as King's behavior alarmed Sergeant Stacey Koon. Officers Theodore Briseno, Laurence Powell, Timothy Wind, and Rolando Solano attempted to restrain King, grabbing his arms and legs. Throwing the officers off, King was again ordered to lie on the ground. The Taser was fired as King ignored commands. Unaffected by the Tasings, King appeared to lunge toward officers; they were ordered to hit King with their batons. Throughout the beating, Officers Powell, Briseno, and Wind and Sergeant Koon struck King multiple times with batons and kicked him. King suffered multiple skull fractures, a fractured fibula, brain damage, kidney damage, contusions, bruises, and abrasions. In his own words, he felt like "a crushed can." King was arrested and taken to jail; the report did not refer to the beating explicitly but simply stated that force had been used to make the arrest.

In an apartment across the street, George Holliday had been awakened by the noise of sirens and the hovering LAPD helicopter. As he watched the events unfold from his apartment, he recorded the scene with his video camera. Holliday held onto the tape until March 4, when he delivered it to a local television station, KTLA. As the video was broadcast on television, word of the incident quickly spread across the nation.

The Trial

Many Los Angeles residents and citizens across the country were outraged at the behavior of the LAPD. The videotape provided evidence that the police assaulted a man for no apparent reason. Attention shifted to the police; Koon, Powell, Wind, and Briseno were charged with assault with a deadly weapon and using excessive force. The charges against King were dropped. As the investigation into the behavior of the officers began, it was broadcast from opening statement to verdict across television and radio.

Before the trial began, a request for a change of venue was made due to the extensive media coverage of the incident in Los Angeles County. From March 1991 until the end of the riots, Holliday's videotape was aired 246 times on the three major news networks: ABC, NBC, and CBS. It was presumed that a large proportion of those drawn for jury duty in Los Angeles had already heard of the case and seen the videotape. The trial was moved to Simi Valley in nearby Ventura County. On April 29, 1992, at 3:00 p.m., the jury brought back not guilty verdicts on all charges except for a charge of excessive force against Officer Powell. That charge was later dismissed. All four were later tried in federal court on charges of violating King's civil rights; Powell and Koon were convicted and sentenced to 30 months in prison.

Critics cite several reasons for the acquittals in the criminal trial. Rather than the police, it seemed to be King who was on trial. Continual reference to the trial as the "Rodney King Trial" and the prosecutor's opening statement, which included more than a half-hour focused on the laws that King had broken (driving while intoxicated and evading officers while on probation), added speculation about the verdict. The jury itself, selected in Ventura County, a predominately White area, may not have been representative of King's peers. The videotape, often cited as clear-cut evidence of the use of excessive force, was cited as a reason for the verdict. An additional portion of the tape, left out by the media, was revealed to the jury; it showed what appeared to be King lunging at police. These few seconds were said to have been justification for the actions of the LAPD officers.

Reaction

After the verdict was announced, anger and outrage were common responses as news spread across the Los Angeles area. Crowds began to gather in south central Los Angeles to discuss the verdict. Many were outraged that what appeared to be blatant assault was not seen as excessive force in the eyes of the law. King had been severely beaten by four LAPD officers, and in the crowds' eyes, the criminal justice system had not delivered justice. Growing more enraged, the crowds developed into mobs of rioters. The first incidents of looting were reported around 4:15 p.m. on Florence Boulevard and Normandie Avenue. Motorists were assaulted and pulled from their cars. A large percentage of the rioters were young males who engaged in looting, assault, arson, and even murder.

As the riots escalated, police officers who were posted in south central Los Angeles were ordered to stand down. Essentially, the LAPD abandoned certain areas of the city to prevent harm to themselves, in effect allowing the riots to continue. The riots continued through the night as fires were set and property destroyed. Though the Justice Department announced that it would be continuing investigation into the Rodney King incident, rioters were not quelled; the riots now symbolized more than retaliation. The governor of California, Pete Wilson, declared a state of emergency, and by May 1 the National Guard, the Army, and the Marines were called in to help calm the riots. Their orders were simple: Fire when fired upon.

During the riots some particularly gruesome incidents occurred. On top of the looting, fires, and gun shots that rang through the city of Los Angeles, there were reports of personal violence against White individuals. Reginald Denny, a White truck driver, was pulled from his truck at an intersection on Normandie Avenue. He had assumed that the cargo in his truck—sand—would be of no value or interest to looters. Denny's memory of the events are not very clear, but a news helicopter overhead filmed the entire event. Rioters threw rocks through the windshield of Denny's truck before dragging him to the ground, kicking him and beating him with a barrage of blows using various items, including a slab of concrete. When Denny lost consciousness, the rioters abandoned

Denny's body and left looters to clean out his pockets. His body was rescued by an African American man, and he was treated by paramedics. The video of Denny's beating was shown on television—a message to all viewers about the conditions in Los Angeles. It appeared that the Black community was retaliating for Rodney King's beating—if four White men could beat a Black man and get away with it, Black men could do the same to a White man. Los Angeles had resorted to an-eye-for-an-eye justice. Throughout the city, citizens of Asian and Hispanic ethnicities were also beaten by rioters.

A large portion of the rioting took place in the areas of south central Los Angeles and Koreatown but extended well beyond these areas. Stores targeted were most likely to be owned by Korean Americans, not Caucasians. As the LAPD became overwhelmed with the chaos that ensued, many civilians took it upon themselves to defend their families, property, and stores. Pictures from the riots often show Korean Americans firing back against the rioters and looters attempting to take items from their stores. While this action on the part of Korean Americans may have seemed like a natural course of events as self-defense, it only added to the violence already rampant on the streets.

The riots were declared over when Los Angeles Mayor Tom Bradley lifted the dusk-until-dawn curfew on the city. By the time the National Guard left on May 8, there were reports of more than $1 billion worth of damage to the area. Of the 51 persons who died, 26 were African American, 14 were Latino, 9 were White (non-Hispanic), and 2 were Asian. The races and ethnicities of some who died in fires could not be determined. Injuries reportedly totaled 2,383, and more than 5,000 individuals had been arrested.

While the Rodney King incident may seem to have been the catalyst for the riots, other precipitating factors existed in Los Angeles. Living conditions in Los Angeles, especially in south central where much of the riots were concentrated, were less than ideal. One major factor cited is the changing population. While south central Los Angeles had been a predominantly African American area, the Hispanic population was increasing in 1992. Shifting power in the area was also a point of contention, as the two groups competed and racial prejudices and conflicts developed. Tensions frequently rose between the longtime residents (African Americans) and the new kids on the block (Hispanic Americans). In addition to the racial and ethnic conflict, the poverty in the area has also been cited as a catalyst for the riots. Aside from high rates of unemployment in the area of south central, Los Angeles was poor in general. Many businesses, banks, and other institutions, including the local government, had moved out. Racial tensions in general between residents of south central and the LAPD were already high before the Rodney King beating. It had long been suggested that the LAPD engaged in racial profiling: targeting racial or ethnic minorities, such as African Americans.

After the riots, many hoped that the conditions in Los Angeles would improve. Sadly, that hope would not quickly be realized. Many business owners struggled to rebuild their sources of income in the wake of the riots. Rioters served jail time, and those injured struggled to pay their medical bills. Many African Americans moved out of south central, making way for an influx of Hispanic Americans. Though the riots shed light on the plight of those living in Los Angeles, specifically poor African Americans, for many people changes in the area were gradual. The riots affected individuals across the country, highlighting the inequalities and magnifying instances of racial prejudice not only in Los Angeles but everywhere.

Kristin Lavin

See also Intraracial Crime; King, Rodney; Police Use of Force; Race Riots

Further Readings

Baldassare, M. (Ed.). (1994). *The Los Angeles Riots: Lessons for the urban future.* Boulder, CO: Westview.

Cannon, L. (1997). *Official negligence: How Rodney King and the riots changed Los Angeles and the LAPD*. New York: Random House.

Gooding-Williams, R. (Ed.). (1993). *Reading Rodney King/Reading urban uprising*. New York: Routledge.

Olzak, S., Shanahan, S., & McEneaney, E. (1996). Poverty, segregation, and race riots: 1960 to 1993. *American Sociological Review, 61*, 590–613.

Tervalon, J. (2002). *Geography of rage: Remembering the Los Angeles riots of 1992.* Los Angeles: Really Great Books.

Lynching

Lynching involves mob violence that is done under the guise of vigilante justice. It has played an extraordinarily important role in American history. For example, from the end of the Civil War in 1865 through the middle of the 20th century, African Americans were subjected to horrific lynchings, often sanctioned by the state, that were aimed at keeping them in their "proper place" in the political, economic, social, cultural, and legal order. "Nigger hunts" and "coon barbecues" were carefully calculated to achieve a common end: limiting the rights of free Blacks, forcing them into submission, and returning them to their pre–Civil War slave status. It should be noted that lynching also occurred in the western United States, with Latinos, Native Americans, and Asian Americans being the targets of the violence. This entry focuses primarily on lynching targeted at African Americans in the southern United States.

The Mechanics of Lynching

Each lynching was wholly unique. They were generally spontaneous events—a response to a local crisis, rumored or real—that escalated into a deadly drama. Lynch mobs were often made up of a collection of local rabble and respected upper-class citizens who added moral authority and legitimacy to the lynching process. Some lynch mobs consisted of only two, three, or four "righteous" citizens; others were composed of hundreds, even thousands, of participants and curious onlookers, including women and children. Some mobs held informal trials; others dispensed with any semblance of legal formality.

Moreover, they did not always kill their victims. Whipping, beating, branding, and tarring and feathering were sometimes used for lesser offenses, especially before the 1880s. But serious crimes, especially attacks on White women by "savage Black beasts," warranted a more dramatic and bloody response, one that would serve as an example and deterrent to other "disrespectful niggers." Hanging, burning, and a variety of barbaric tortures—for example, cutting off fingers, toes, or ears—were common. Rapists were frequently castrated. The sexual organ was a prized souvenir.

The 1899 execution of Sam Hose in Georgia reflects the elaborate rituals and bloody carnival of fury that surrounded many Black lynchings. Hose, a farm hand charged with killing his employer and then ravishing his wife, was captured by a lynch mob on April 23, 1899. A crowd of more than 3,000 spectators—some coming aboard a special excursion train from Atlanta, arriving after church services—assembled to witness the ritual. Hose was stripped, chained to a tree, surrounded with logs, and doused with kerosene. His face was skinned and his fingers, ears, and genitals cut off. Then, the fire was lit. After death, his bones were broken and sold as souvenirs, along with his extremities and body parts. Hose's knuckles were put in a jar and placed on display in a grocery store. Mob members were proud of their work. They traveled to the state capitol to present the governor with a souvenir from their work. He declined.

Spectacles of Hose-like public savagery were common. Jesse Washington was dragged from a Waco, Texas, courtroom on May 8, 1916, minutes after a jury convicted him of raping a White woman. Washington was kicked, beaten, stabbed, doused with oil, and suspended from a tree limb. His fingers, toes, ears, and penis were cut off. Then, he was set on fire. A man on horseback dragged his charred corpse through the streets.

The 1934 Florida lynching of Claude Neal was equally brutal. Neal, a farm worker accused of killing a White woman, was abducted by a mob, which then took 2 days to plan the execution. The Associated Press followed the case closely, providing announcements of when, where, and how the lynching was to take place. A crowd of more than 7,000 spectators from 11 states gathered to witness the event. Newspapers provided graphic first-hand accounts: Neal's penis and testicles were cut off; he was poked with hot irons, cut with a knife, and strung up. After several hours, he died. His body was tied to a truck and dragged to the home of the victim's mother, where the orgy of violence continued. Neal's ravaged remains were then put on display in the courthouse.

Women were not exempt from mob violence. In May 1918, Mary Turner threatened to pursue legal action against Georgia mob members who had lynched her husband. She paid for her insolence. A

large crowd, including women and children, assembled to witness Mary Turner receive southern justice. Mary, who was 8 months pregnant, was stripped, hung by her ankles, doused with gasoline, and set on fire. Before the flames engulfed her, a mob member pulled out a knife and slit open her stomach. As soon as the baby fell to the ground, its head was smashed under a boot heel.

Lynching: The Body Count

The body count is staggering. Although estimates vary, Walter White (1929) uncovered 4,951 lynchings in the United States between 1882 and 1927. Predictably, most of this violence was racially driven: 3,513 Blacks and 1,438 Whites. Ninety-two females were also killed: 76 Blacks and 16 Whites. Seventy-four percent of these lynchings occurred in 10 southern states:

Mississippi:	561 (517 Blacks, 44 Whites)
Georgia:	549 (510 Blacks, 39 Whites)
Texas:	534 (370 Blacks, 164 Whites)
Louisiana:	409 (347 Blacks, 62 Whites)
Alabama:	356 (304 Blacks, 52 Whites)
Arkansas:	313 (244 Blacks, 69 Whites)
Florida:	275 (247 Blacks, 28 Whites),
Tennessee:	268 (213 Blacks, 55 Whites)
Kentucky:	253 (154 Blacks, 79 Whites)
South Carolina:	174 (165 Blacks, 9 Whites)

Several states—New Hampshire, Vermont, Rhode Island, Delaware—had no lynchings. Western lynch mobs were formed primarily to deal with White criminals: thieves, cattle rustlers, rapists, and murderers. In fact, several western states and territories—Arizona (31), Idaho (21), and Nevada (6) lynched only Whites. Lynching was primarily a late 19th-century phenomenon. Mob violence peaked in 1892, with 253 recorded lynchings in the United States and the next highest numbers being 211 in 1884 and 200 in 1893. According to White (1929), lynchings steadily declined in the 20th century: 1890–1900 recorded 1,665; 1900–1910 saw 921; 1910–1920 saw 840, 1920–1927 saw 304.

These statistics do not, however, reflect the full body count. Some lynchings were recorded as murders, with no indication of the dynamics of death. Moreover, some victims were disposed of without a trace, leaving their families to say that their loved ones had "disappeared" or "gone missing." Newspaper coverage, which served as a foundation for lynching tallies, was erratic, especially when it became a relatively common occurrence (i.e., "hardly newsworthy"). Sheriffs and police officials, especially in the South, sometimes recorded lynchings as "justifiable homicide" or "suicide."

Attacks on Blacks committed during riots were not recorded. In the 1863 New York Draft Riot, for example, an unknown number of Blacks, some hung from telegraph poles and lamp posts, were killed by White rioters. Blacks were also murdered with impunity in riots in New Orleans (1900), Atlanta, Georgia (1906), Springfield, Illinois (1908), East St. Louis, Illinois, (1917), and Chicago, Illinois (1919). Lynchings were also an integral component of "clearances." Blacks were given a choice: Leave the area and abandon your homes and possessions, or face death. Some clearances were aimed at driving out individuals or families. Others involved mass clearances—for example, Wilmington, North Carolina (1898), and Rosewood, Florida (1923)—that drove virtually every Black resident out of town.

Although most accounts of lynching in the United States have focused on violence against African Americans in the South, Gonzales-Day uncovered 350 instances in California between 1850 and 1935. Most of these victims were Latinos, Native Americans, and Asian Americans, with the greatest number being Latino.

Terrorizing Black America: Lynching and Social Control

The unpredictable nature of White mobs terrorized African Americans. African American males knew that a charge of rape, assault, or remotely improper behavior directed at a White woman was tantamount to a death sentence, especially in the South. But Blacks were also lynched for a range of other "socially unacceptable" acts: stealing a chicken, stealing a shoe, making an insulting remark, saying hello, bumping into a girl, jostling

a horse, being involved in a buggy collision, refusing to remove a military uniform, testifying for a Negro, writing an improper note, refusing to dance on a White's command, trying to pass as a White man, refusing to move, being boastful, committing slander, accruing personal debt, discussing a lynching, public drunkenness, disorderly conduct, failing to yield the sidewalk, refusing to take off a hat to a White person, resisting assault by a White person, improper laughing, and finally, displaying a sarcastic grin.

Black Americans were fully aware that education, personal achievement, and social status would not protect them from mob violence. James Weldon Johnson, executive director of the National Association for the Advancement of Colored People (NAACP), was nearly lynched in Florida in 1901 for sitting on a park bench with a White woman. Walter White, Weldon's successor as the NAACP's executive director, was nearly lynched during the 1906 Atlanta race riot when he was just 12 years old and on several other occasions when he was working as an undercover NAACP investigator. In 1946, a group of armed Black World War II veterans rescued a lawyer who had just won a case in Tennessee involving two Black defendants. Spared from the hangman's noose, Thurgood Marshall went on to become the nation's first Black Supreme Court Justice.

Black Americans also knew that they could not rely on the criminal justice system to protect them from lynching. Sympathetic sheriffs aided mobs by failing to adequately protect their prisoners and by revealing transportation routes and arranging abductions. In some instances, they directly coordinated and openly participated in the execution. Despite the fact that mob members did not wear masks and often posed for photos—even lynching postcards, which were legally sent through the mail—investigations rarely resulted in arrests. If an arrest was made, prosecutors dropped the charges. Judges who might be facing reelection did not want to anger voters. Jurors were often ardent racists or did not want to face the wrath of the community by convicting their White neighbors.

On a larger contextual scale, the U.S. Supreme Court provided indirect cover for lynching by issuing a series of rulings that reinforced the sanctity of states' rights. Federal investigators and courts were blocked from intervening in lynching cases until the middle of the 20th century. Put simply, bigots—sometimes members of the Ku Klux Klan—were in charge of southern justice.

"Nigger hunts" received direct and indirect support from a number of sources. Some southern governors, senators, and congressmen openly endorsed lynching. Ben Tillman, South Carolina's governor and later a U.S. senator, maintained that Blacks were related to baboons and that slavery was the best thing that ever happened to the African race. In a 1903 speech on the Senate floor, Tillman proudly described his role in stuffing ballot boxes, disenfranchising Blacks, and participating in lynch mobs. A number of conservative Protestant evangelical ministers were also avid racists, preaching that lynching was a necessary evil, especially when the cursed children of Ham assaulted White women.

"Scientific evolutionary theories" provided indirect justification for lynching by supporting notions of Negro inferiority. In 1890, Daniel Brinton, professor of archaeology at the University of Pennsylvania, declared that Blacks were located somewhere between orangutans and European Whites on the evolutionary scale. Louis Agassiz, chairman of the anthropology department at Harvard University, maintained that Africans were a separate and inferior species. Late 19th- and early 20th-century Social Darwinists were firmly convinced that the quality of American racial stock was being diluted by immigrants and Blacks. Eugenicists called for protective measures: immigration restriction, miscegenation laws, as well as laws permitting the sterilization of criminals and mental defectives. For eugenical extremists, lynching was a form of race control: God-approved social engineering.

Antilynching Campaigns

Lynching did not go unchallenged. Ida Wells-Barnett, a Black journalist who was enraged by an 1892 Tennessee lynching, was the nation's foremost antilynching campaigner, writing books and newspaper articles and giving speeches across the United States and in Europe. Frederick Douglass, William Monroe Trotter, W. E. B. Du Bois, Walter White, and dozens of other Black civil rights leaders also campaigned against lynching. Black and White organizations—the National Association of

Colored Women, National Association for the Advancement of Colored People, British Anti-Lynching Committee, Association of Southern Women for the Prevention of Lynching—launched national and international campaigns aimed at exposing the horrors of lynching.

Courageous White governors, senators, and congressmen battled southern bigots, vainly trying to pass antilynching legislation: Dyer Act, Wagner-Costigan Bill, Gavagan Bill. Liberal academicians—sociologists, psychologists, and biologists—provided scathing critiques of studies that argued that Blacks were biologically, mentally, and morally inferior. Conservative southern Protestant ministers eventually joined Catholic and Jewish religious leaders in denouncing racism and lynching. Southern newspapers, responding to public pressure and rising standards of journalism, increasingly called for an end to "nigger hunts." In the 1950s and 1960s, the U.S. Supreme Court issued a series of rulings that expanded due process rights for Black citizens and dismantled the racist shield of states' rights. The Federal Bureau of Investigation conducted lynching investigations. Collectively considered, Hose-like lynching carnivals became morally, politically, and legally risky.

Declining southern support for lynching was, however, largely a function of economics. Northern and European business interests became increasingly reluctant to invest in a part of the country that engaged in crass barbarity. A low point: the Nazis mocked Americans for preaching equality, democracy, and justice and then tolerating, if not supporting, lynching. But southern businessmen and farmers had more immediate concerns.

Lynching, the sharecropping system, Jim Crow laws, political disenfranchisement, discrimination in housing, health care, recreation, and education made life in the South intolerable for Blacks. During World War I and World War II, millions of southern Blacks migrated to the North to work in factories and seek a better life. The loss of servants, sharecroppers, factory workers, and skilled artisans created severe labor shortages that alarmed southerners, including the Ku Klux Klan. Simply stated, lynching was bad for business.

National responses to two mid-20th-century lynchings reflected this new mind-set. In November 1933, Governor James Rolph of California created an international sensation by openly supporting a lynching. After hearing that two suspected murderers were going to be abducted by a San Jose mob, Rolph declined an invitation to an out-of-state governor's convention, fearing that his lieutenant governor, who would be acting governor, would thwart the lynching. According to plan, the mob stormed the jail and hung the suspected murderers. Rolph sparked an international debate by openly commending the mob. Rolph's decision was hailed by a number of groups, including the editors of the *Harvard Crimson*. But many other prominent religious, media, and legal organizations denounced the governor, calling him a national disgrace.

The August 1955 murder of 14-year-old Emmett Till in Mississippi, who was killed for whistling at a White woman in a convenience store, was another pivotal event in the history of American lynching and race relations. Till's deformed and bloated body was displayed in an open casket. The nation, with the exception of ardent racists, was shamed and enraged. The age of bloody state-sanctioned orgies of violence was at an end.

The efforts of antilynching crusaders did not, however, end racism or racist killings. By the late 1940s and 1950s, the age of public sadistic spectacles—burning bodies, taking souvenirs, posing for pictures, circulating lynching postcards—was clearly over. Racially motivated killings were increasingly carried out by individuals or small groups of men who committed their acts in secrecy, shunning publicity. Numerous unsuccessful attempts have been made to pass federal legislation outlawing lynching, although it would now fall under the definition of a hate crime. In 2005, an antilynching resolution was passed by the Senate apologizing to victims of lynching for the Senate's historical and consistent failure to outlaw lynching.

Lynching is not merely a historical curiosity. Black Americans who grew up in the South under Jim Crow in the 1950s and 1960s still remember riding in the backs of buses, being prohibited from entering restaurants, drinking out of "colored only" water fountains, and being forced to attend segregated schools. For them, the threat of lynching and "underground lynching" was real. "Nigger hunts" and "coon barbecues" provide a troubling reminder that the United States has a long history of racial oppression and state-sanctioned savage

cruelty. The 1998 murder of James Byrd, who was chained to a pickup truck and dragged to death on a rural Texas road by three White men, was a demonstration of the continued existence of racial brutality.

Alexander W. Pisciotta

See also African Americans; Black Codes; Du Bois, W. E. B.; Dyer Bill; Hate Crimes; Ku Klux Klan; Ku Klux Klan Act; Race Riots; Till, Emmett; Tulsa, Oklahoma, Race Riot of 1921; Wells-Barnett, Ida B.

Further Readings

Allen, J., Als, H., Lewis, J., & Litwack, L. F. (2004). *Without sanctuary: Lynching photography in America*. Santa Fe, NM: Twin Palms.

Ayres, E. L. (1984). *Vengeance and justice: Crime and punishment in the 19th-century American South*. New York: Oxford University Press.

Dray, P. (2002). *At the hands of persons unknown: The lynching of Black America*. New York: Modern Library.

Gonzales-Day, K. (2006). *Lynching in the West: 1850–1935*. Durham, NC: Duke University Press.

Litwack, L. F. (1998). *Trouble in mind: Black southerners in the age of Jim Crow*. New York: Vintage Books.

Patterson, O. (1998). *Rituals of blood: Consequences of slavery in two American centuries*. New York: Basic Civitas Books.

Royster, J. J. (Ed.). (1997). *Southern horrors and other writings: The anti-lynching campaign of Ida B. Wells, 1892–1900*. Boston: Bedford Books.

White, W. (1929). *Rope and faggot: A biography of Judge Lynch*. New York: Knopf.

Mandatory Minimums

Mandatory minimum sentencing laws remove judges' discretion in the sentencing process by requiring a sentence of a specific length for a convicted individual when certain criteria have been met. For example, a federal conviction for possession of half a kilogram or more of powder cocaine leads to a mandatory sentence of at least 5 years in prison. Drug cases are the most common offenses receiving mandatory minimums. While mandatory minimums have proven to be effective when targeted at higher-level offenders, they have also dramatically increased incarceration rates for nonviolent offenders and have contributed to sentencing disparities. This entry describes the objectives of mandatory minimum sentencing and examines both the effectiveness and the unintended consequences of these laws.

Before the standardization of minimum sentencing under mandatory minimum laws, judges had unlimited discretion in the sentencing of convicted individuals. Personal views regarding crime and sentencing inevitably differed among judges, so the amount of time offenders received for similar crimes varied greatly. Standardizing the base sentence of such crimes was meant to fulfill several objectives. A major goal of mandatory minimums was to reduce the sentencing disparity that had occurred as a result of judicial discretion.

Mandatory minimums were also seen as a means to deterrence and incapacitation. It was expected that offenders' knowledge that judges would impose mandatory sentences would deter potential offenders, especially drug offenders, from further involvement in crime because punishment would be serious and likely. Giving serious offenders lengthier sentences and placing them in prison would remove serious offenders from society and prevent them from additional criminal acts. These efforts at deterrence and incapacitation were also a response to public opinion that offenders were not being sufficiently punished under previous sentencing alternatives. Last, mandatory minimums were aimed at increasing offenders' cooperation and pleas. If a defendant helped in an investigation that led to prosecution of others, the judge was authorized to impose a sentence for that defendant below the mandatory minimum. Thus, it was thought, defendants would be more motivated to cooperate with authorities and to plead guilty to a lesser offense in order to reduce a mandatory minimum sentence. This anticipated increase in guilty pleas would save the government the cost of trials.

Background

Congress began enacting mandatory minimum penalties in 1984 specifically to address sentencing for drug offenses and violent crime. These sentencing policies were extensively altered 2 years later by connecting the minimum penalty for a drug offense to the gross weight of drugs involved, as well as by placing greater scrutiny on drug trafficking and distribution offenses. Enhancements for the use and/or possession of a firearm were

enacted, as well as for drug offenders who dealt to minors or who used weapons while engaging in their offense. In 1988, Congress created further mandatory minimum penalties for conspirators in certain offenses and for the possession of crack cocaine. For drug offenses, the level of dealing that defendants must reach before being subject to mandatory sentences depends on the type of drug and whether the defendant is a repeat offender.

The federal sentencing system is made up of two tiers of mandatory minimums, both of which double for defendants with prior convictions. The first level mandates a minimum sentence of 5 years for drug possession, or a minimum of 10 years for individuals with prior felony drug convictions. The second requires a minimum imprisonment sentence of 10 years for drug possession, 20 years with a prior felony drug conviction, or mandatory life imprisonment with two prior felony drug convictions. Good behavior makes defendants eligible for a reduction in the amount of time they must serve. The reduction amounts to about 54 days per year, reducing the offender's time served to roughly 85% of the original sentence.

The purpose of mandatory minimum sentencing is to target higher-level offenders and higher-level drug trafficking organizations. To be eligible for a mandatory minimum sentence of 5 years for marijuana, the defendant must be convicted of an offense involving at least 220 pounds, or at least 100 plants. To be bumped up to the next level and subject to a mandatory minimum of 10 years imprisonment, the defendant must be convicted of an offense involving 1.1 tons of the substance or 1,000 plants.

Unintended Consequences

The anticipated benefits of mandatory minimums have resulted in several serious yet unintended outcomes, including the impact of these laws on minorities and female offenders, the opportunity for plea bargaining, and the purity of drugs sold.

First, the disparity in the amount of powder versus crack cocaine required for the mandatory minimum sentence, currently at a 100-to-1 ratio in the federal court, punishes crack cocaine users much more severely than powder cocaine users. In order to receive a mandatory 5-year prison sentence for cocaine, one must be in possession of either 5 grams of crack cocaine or 500 grams of powder cocaine. The reason for this disparity stems from the fact that crack is a smokable base. It is thought to be more addictive than powder cocaine because it results in a rapid and intense euphoria that is not experienced with powder cocaine. At the time the legislation was passed, there was a great amount of public fear regarding crack cocaine; this was partially responsible for tougher sanctioning for crack cocaine than for powder cocaine. This disparity has become a racial issue, because crack cocaine is more commonly sold by African Americans than by Whites. In crack cocaine cases, more than 90% of the defendants are African American, compared to roughly 25% in powder cocaine cases. The percentage of minorities in prison is greater than their presence in the general population, and minorities have been found to constitute a disproportionate number of arrests for these drug offenses.

Second, defendants who are able to cooperate with authorities for a lesser sentence are disproportionately upper-level dealers—those who are often middle- or upper-class individuals who treat drug dealing and smuggling in a businesslike fashion and who are in control of large smuggling or dealing operations. According to the U.S. Sentencing Commission, only 11% of federal drug offenders are characterized as high-level offenders. This is because the chain of command in drug rings purposely prevents low-level sellers from obtaining any information about the individuals above them in the pyramid, to prevent these low-level sellers from negotiating with information about the smuggling or dealing orchestration when caught by authorities. Conversely, the higher-level dealers and smugglers know all the details regarding their operation(s) and are able to trade information about all those working for them for a lesser sentence. This disproportionately affects lower-level drug "mules" or street dealers, who are more often minorities, in that they are unable to trade information for a lesser sentence. High-level dealers are rarely in physical possession of the drugs they own, sell, or control. They are able to hire others to sustain the associated risk of carrying the substances. While the cooperation of defendants was an objective of the implementation

of mandatory minimums, it fails to take into account the fact that those who receive a reduced sentence by cooperating with authorities by disclosing names of other workers are often the exact higher-level dealers and smugglers that mandatory minimums were created to target and harshly punish.

Third, defendants charged with possession of smaller amounts of drugs are often involved in nonviolent rather than violent offenses. Due to the fact that sentences are predetermined, the defendants' role cannot be taken into account. Roles in drug offenses can vary widely, and all roles are considered equally deviant. As a result, there has been an increase in the number of females serving drug offenses even though females typically play less involved roles in drug offenses; often their involvement results from relationships with male family members and partners. This involvement can be as little as unknowingly dating someone who sells illegal substances or driving someone to the bank to deposit drug-dealing profits. Because of this, the implementation of mandatory minimum drug sentences has increased the female prison population as well as contributing to prison overcrowding.

Also an issue in mandatory minimum drug sentencing is the fact that penalties are determined by the total weight of the substance, without taking into account the purity of the drug. For example, possession of 100 grams of powder that contains only 10% pure heroin and 90% inactive cutting ingredients would receive a federally mandated 5-year mandatory minimum. However, a person with 25 grams of pure heroin would not receive a federally sanctioned minimum even though he or she is in possession of 2.5 times the amount of substance than the first person. Consequently, dealers may choose to obtain and sell drugs of a higher purity. Like those involved in selling and trafficking drugs, those who grow and manufacture drugs are aware of laws defining the quantity of drugs. Thus, for example, marijuana growers may be careful to grow fewer than 100 or 1,000 plants to avoid harsh mandatory minimum sentences.

Effectiveness of Mandatory Minimums

While mandatory minimums were intended to reduce sentencing disparities, discretion is often simply shifted from the judge to the prosecution. Prosecutors may opt to seek convictions on lesser charges rather than on ones that would have resulted in mandatory minimums, and defendants committing similar offenses may receive different sentences as a result of plea bargaining. Such plea bargains may also enable higher-level offenders, drug dealers, and drug smugglers to receive reduced sentences because of their ability to cooperate and assist authorities. Because this option is often unavailable to lower-level and nonviolent offenders, they may be disproportionately subjected to mandatory minimums. These outcomes also limit the effectiveness of mandatory minimums in addressing the public perception that criminals are not punished sufficiently.

Critics of mandatory minimums also note that deterrence and incapacitation are not achieved when higher-level offenders, drug dealers, and drug smugglers receive sentences below federally instituted mandatory minimums.

Policy Implications

The effectiveness of mandatory minimums could be enhanced if sentences were to take into account the offender's role, motivation, and propensity of recidivism. Mandatory minimums may prove to be an effective policy if targeted at the highest-level offenders.

An alternative approach to decreasing drug offenses would be to focus on decreasing drug consumption. Advocates for substance abuse treatments note that such programs may be more cost effective than mandatory minimums in reducing crime and in enabling individuals to overcome their addictions.

Julie Yingling

See also Cocaine Laws; Drug Sentencing; Drug Sentencing, Federal; Sentencing Disparities, African Americans; Sentencing Disparities, Latina/o/s; Sentencing Disparities, Native Americans; Sentencing Project, The; Three Strikes Laws; *United States v. Booker*

Further Readings

Caulkins, J. P., Rydell, C. P., Schwabe, W. L., & Chiesa, J. (1997). *Mandatory minimum drug sentences*. Santa Monica, CA: RAND.

Drug Enforcement Administration. (2007). *Federal trafficking penalties*. Retrieved from http://www.usdoj.gov/dea/agency/penalties.htm

Drug Policy Alliance. (2007). *Mandatory minimum sentences*. Retrieved from http://www.drugpolicy.org/drugwar/mandatorymin

U.S. Sentencing Commission. (1991). *Special report to the Congress: Mandatory minimum penalties in the federal criminal justice system*. Washington, DC: Author. Retrieved from http://www.ussc.gov/r_congress/MANMIN PDF

Mann, Coramae (1931–2004)

Coramae Richey Mann was a scholar in the areas of women and race and crime and the criminal justice system. Her career spanned 2 decades and included numerous awards and several books, chapters in books, scholarly articles, and other types of writings. Her books include *Female Crime and Deliquency* (1984), *Unequal Justice: A Question of Color* (1993), *When Women Kill* (1996); she coauthored *Images of Color, Images of Crime* (2nd ed., 2002) with Marjorie Zatz. Mann's work emphasized that not only do minority women have a different experience from White men, but each minority group has its own unique experience. This entry provides biographical information on Mann as well as a review of her research and a discussion of her scholarly contributions.

Mann was born in Chicago, Illinois, on January 25, 1931. She received her undergraduate degree in 1956 and a graduate degree in 1961, both in clinical psychology from Roosevelt University. In 1976, Mann earned a PhD in sociology with an emphasis in criminology from the University of Illinois at Chicago. She spent her academic career first at Florida State University, where she was the only African American female on the faculty, and then at Indiana University–Bloomington, where she helped establish a PhD program in criminology. While at Indiana University, she recruited and mentored minority faculty. She retired from Indiana University–Bloomington and academics in 1996. Mann died in 2004, after being diagnosed with lung cancer.

In her book *Unequal Justice: A Question of Color*, Mann called attention to the need of a "minority view" on crime and the criminal justice system. She outlined three requirements for the application of a minority view. First, she discussed the need to identify and discuss the effects of violence, discrimination, and oppression that exist in the lives of minorities in America. Her work, in particular, looked at the unique experiences of each minority group in America. Second, Mann outlined several methodological requirements, which include qualitative methods to bring context and meaning to minority research. In addition, she saw a need to do in-group comparisons rather than evaluating behavior of minorities according to conventional definitions and labels. Mann called for greater participation in research by minority scholars in order to bring their definitions into the field of criminology. Finally, Mann was a proponent of the discrimination thesis that disputed the position of those such as William Wilbanks, who argued that the criminal justice system was not racist.

Mann's book *Female Crime and Delinquency* discusses female deviance and analyzes females' processing through the criminal justice system. At the time of her analysis, biological explanations of female crime were popular. Mann challenged these assertions, successfully discrediting the idea that female offenders were more masculine than women in the general population. In addition, she challenged the idea that female crime was a result of the women's liberation movement. Mann concluded that the criminal justice system systematically discriminates against women, both as juveniles and adults. Moreover, she pointed out that laws and policies that were gender specific, such as sexual misconduct, were disproportionately applied to women. Methodologically, she contributed to the literature by analyzing women as part of their ethnic groups, comparing them to White women, and found many differences. She began her discussion about female criminals by challenging the then-current research that described women as unique, and both physically and psychologically different from men. Mann argued for a holistic approach, one that could explain all crime and delinquency and perhaps lead to a gender-neutral theory.

Mann's book *When Women Kill* contributed to the literature by closely examining women who

were convicted of murder. In this book, Mann reviewed previous literature on female perpetrators of homicide and presented the findings of a study that looked at six major U.S. cities that had high homicide rates at the time of data collection. She was interested in the motivations of female-perpetrated homicide, as well as homicide in general, as a way to understand violence as a human issue rather than a gender issue. Her research found that female-perpetrated homicide, like all homicide, is mostly intraracial, and African Americans were overrepresented as both victims and offenders. Specific to female-perpetrated homicide, the victims tended to be intimate partners or relatives rather than strangers. Mann found a strong case for "victim precipitation," where an interpersonal conflict preceded the homicide. She did not, however, find evidence of battered women's syndrome in any of the cases she analyzed. Other contributions from *When Women Kill* include a profile of a typical female homicide perpetrator, arrest histories of the women, and the vast differences Mann found in the way that these cases were handled by the criminal justice system. Interestingly, she found that White and African American women perpetrators of homicide tend to receive similar sentences, with African American women receiving a slightly lesser sentence, which was inconsistent with previous research in the study of female crime and delinquency.

Mann made suggestions to alleviate some of the conditions that women face in the criminal justice system. She pointed out the need for law enforcement to undergo community training with regard to culture, race, and gender. She suggested that minority women offenders should be released during the pretrial stages because they were largely unable to secure bail and they were likely to have children at home to care for. She pointed to ill-conceived correctional policies that serve to disintegrate family structure and ties, and she emphasized the need to minimize this harm. She further stated that drug and alcohol problems should be treated as a health issue rather than a criminal issue. Finally, she concluded that the criminal justice system needs to do a better job of addressing language and cultural barriers.

The work of Coramae Mann provided a comprehensive look at numerous key aspects of the criminal justice system and called particular attention to issues regarding race/ethnicity and gender. Her work provided the discipline with a holistic and humanistic approach in which to view the criminal justice system and those that are affected by it.

Jennifer Hartsfield

See also Black Feminist Criminology; Domestic Violence; Female Juvenile Delinquents; Violent Females

Further Readings

Bing, R. L. (2004). Dr. Coramae Richey-Mann (1931–2004). *Academy of Criminal Justice Sciences ACJS Today, 29*(4), 1–2.

Gabbidon, S. L., Greene, H. T., & Young, V. D. (2002). *African American classics in criminology and criminal justice.* Thousand Oaks, CA: Sage.

Greene, H. T., & Gabbidon, S. L. (2000). *African American criminological thought.* Albany: SUNY Press.

Mann, C. R. (1984) *Female crime and delinquency.* Tuscaloosa: University of Alabama Press.

Mann, C. R. (1993). *Unequal justice: A question of color.* Bloomington: Indiana University Press.

Mann, C. R. (1996). *When women kill.* New York: State University of New York Press.

Mann, C. R., & Zatz, M. (Eds.). (1998). *Images of color, images of crime.* Los Angeles: Roxbury.

Mars, J. R. (2001). Coramae Richey Mann on women, crime and the color of American Justice. *Women and Criminal Justice, 13*(1), 1–25.

Mapp v. Ohio

The decision of the U.S. Supreme Court in *Mapp v. Ohio* in 1961 is one of the seminal decisions in criminal procedure and race relations in American criminal justice. *Mapp v. Ohio* was decided during the tenure of the Warren Court, which in 1954 inaugurated the era of judicial recognition of civil rights with its decision in *Brown v. Board of Education*. In its decision in *Mapp v. Ohio,* the Supreme Court extended the existing rule that evidence obtained through an illegal search was inadmissible in federal courts, holding that such evidence was also inadmissible in state courts. Thus, the decision of *Mapp v. Ohio* extended to state law enforcement the existing protection of the Fourth Amendment in federal law enforcement.

From the perspective of race relations, *Mapp v. Ohio* placed the nation on notice that, in the context of criminal procedure, the same standards applied at the federal level would apply throughout the nation. A continuation of the Warren Court's legacy of breathing life into the Bill of Rights, *Mapp* marked the beginning of a decade that brought great advances in civil rights for African Americans and other minorities, not only in the courts but also through legislation such as the Civil Rights Act of 1964.

The Facts

Dollree Mapp was an African America woman residing in Cleveland, Ohio. Based on an anonymous tip, the police went to Mapp's residence to look for a person suspected of being involved in a bombing incident and for gambling paraphernalia. The police produced a paper that was alleged to be a warrant but was not. Mapp refused to allow the search. The police broke into Mapp's residence, forcibly seized and handcuffed her, and proceeded to search her residence. The search included the bedrooms and the cellar and a search of the furniture, closets, luggage, and a trunk. The police also searched her personal papers and her photo album. During the search, the police found pornographic material, which was illegal under Ohio law. Mapp was arrested and brought to trial. No search warrant was produced in court. She was convicted. Her case was appealed to the Ohio Supreme Court, which found that it was proper to admit the pornographic material into evidence, even though the search was unlawful, and upheld her conviction. Mapp then appealed to the U.S. Supreme Court.

The major issue on appeal was the issue of pornography and the First and Fourteenth Amendments. Although the issue of the warrantless search was a secondary issue, the decision of *Mapp v. Ohio* is renowned to this day for the basic principles of law it established concerning the Fourth Amendment and for the revolution in criminal procedure it started.

The Legal Background

The Fourth Amendment to the U.S. Constitution states, "The right of the people to be secure in their persons, homes, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause. . . ." The Constitution did not provide a remedy for violations of the Fourth Amendment by the government. Therefore, the U.S. Supreme Court created a remedy, now referred to as the "exclusionary rule," that prohibits the introduction of illegally seized evidence in a criminal proceeding. The Supreme Court first enunciated the rule in *Weeks v. United States* (1914). The exclusionary rule mandates that illegally seized evidence is inadmissible in a criminal proceeding. In affirming the rule in *Silverthorne Lumber Company v. United States* (1920), Justice Oliver Wendell Holmes, Jr., recognized that without the exclusionary rule, the protections of the Fourth Amendment would become just a "mere form of words." However, before *Mapp v. Ohio,* the U. S. Supreme Court had held, in *Wolf v. Colorado* in 1949, that the states could allow illegally seized evidence into evidence in a criminal proceeding. At that time, the exclusionary rule was essentially only enforced in federal courts and not in state courts.

The reason for this state of affairs was the haphazard application of the Fourteenth Amendment and the Bill of Rights to the states. The Fourteenth Amendment states that

> no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

In practice, however, many rights guaranteed by the Bill of Rights and made applicable to the states were not enforced by the states. Under what is termed the "doctrine of selective incorporation," only some of the rights enumerated in the Bill of Rights are applicable to the states.

In its decision of *Wolf v. Colorado,* even though the U.S. Supreme Court recognized the validity of the exclusionary rule as protecting the rights guaranteed under the Fourth Amendment, it essentially declined to make it applicable to the states. Simply stated, although the Fourth Amendment was the law of the land and applicable

to the states, the exclusionary rule was a judicially created remedy that was not part of the Fourth Amendment. It was up to each state to determine how it would enforce the Fourth Amendment. This set the stage for *Mapp v. Ohio* in 1961.

The Decision

By its decision in *Mapp v. Ohio,* the U.S. Supreme Court overruled *Wolf v. Colorado* and held that the exclusionary rule was directly applicable to the states. Evidence seized in violation of the Fourth Amendment was inadmissible in criminal proceedings. The Court noted,

> Since the Fourth Amendment's right of privacy has been declared enforceable against the States through the Due Process Clause of the Fourteenth, it is enforceable against them by the same sanction of exclusion as is used against the Federal Government. Were it otherwise, then just as without the Weeks rule the assurance against unreasonable federal searches and seizures would be "a form of words," valueless and undeserving of mention in a perpetual charter of inestimable human liberties, so too, without that rule the freedom from state invasions of privacy would be so ephemeral and so neatly severed from its conceptual nexus with the freedom from all brutish means of coercing evidence as not to merit this Court's high regard as a freedom "implicit in the concept of ordered liberty."

The Court summed up its decision by asserting that its decision,

> founded on reason and truth, gives to the individual no more than that which the Constitution guarantees him, to the police officer no less than that to which honest law enforcement is entitled, and, to the courts, that judicial integrity so necessary in the true administration of justice.

Mapp and Crime

There is no doubt that the decision of *Mapp v. Ohio* started a revolution in criminal procedure. At that time, many police departments across the United States routinely executed illegal searches that, as a matter of practice, had no effect on the adjudication of criminal matters except the encouragement of continued illegal searches and seizures, at least by state and local police departments and in state criminal proceedings. The effect of *Mapp v. Ohio* was almost immediate. Many police officials criticized *Mapp v. Ohio* and its broad application of the exclusionary rule to the states as too restrictive of police investigations. In fact, this criticism has been shown to be false. Enforcement of the criminal law, with due respect for the Fourth Amendment, has not suffered because of *Mapp v. Ohio*. What has happened is that the police are now required to follow the Fourth Amendment and cannot conduct searches of residences without first obtaining a valid search warrant. *Mapp v. Ohio* changed the face of routine law enforcement across the United States.

Mapp and Race

Mapp was African American. However, the opinion issued by the U.S. Supreme Court in *Mapp v. Ohio* apparently did not rely on race as a factor. Indeed, throughout the opinion, the U.S. Supreme Court made reference to the applicability of the Fourth Amendment to all people. The implication, considering *Brown v. Board of Education* and the fact that it was the Warren Court that decided both *Brown v. Board of Education* and *Mapp v. Ohio*, was clear. Race should not be an issue when applying the protections guaranteed by the Bill of Rights. Indeed, the decision of *Mapp v. Ohio* sent a clear message to the African American community in the context of criminal procedure: African Americans should be and would be granted the same rights guaranteed to all people, and the U.S. Supreme Court would enforce those rights.

It is interesting to note that *Mapp v. Ohio* appeared to have much more lasting effect than the infamous trials of the Scottsboro Boys in the 1930s. In that case, nine African American youths were arrested for raping two White women. They were repeatedly tried, found guilty, and sentenced to death despite reversals by the U.S. Supreme Court. The trials garnered international attention, and all of the Scottsboro Boys were eventually found innocent and released. Despite the fact that *Mapp v.*

Ohio concerned much less serious crimes, it set constitutional standards that were applicable to all law enforcement, whereas the Scottsboro Boys cases did not. Essentially, *Mapp v. Ohio* accomplished much more for the protection of African Americans than the internationally condemned trials of the Scottsboro Boys.

William C. Plouffe, Jr.

See also *Norris v. Alabama*; *Powell v. Alabama*

Further Readings

Garrow, D. J. (2008). Bad behavior makes big law: Southern malfeasance and the expansion of federal judicial power 1954–1968. *St. John's Law Review, 82*, 1.

Katz, L. R. (2001). *Mapp* after forty years: Its impact on race in America. *Case Western Law Review, 52*, 471.

Long, C. N. (2006). Mapp v. Ohio: *Guarding against unreasonable searches and seizures.* Lawrence: University Press of Kansas.

Machado Zotti, P. H. (2005). *Injustice for all:* Mapp v. Ohio *and the Fourth Amendment*. New York: Peter Lang.

Nardulli, P. F. (1983). The societal costs of the exclusionary rule: An empirical assessment. *American Bar Foundation Research Journal, 8*(3), 585.

Mara Salvatrucha (MS-13)

The gang problem has become pervasive in all types of communities nationwide. Mara Salvatrucha (MS-13) has garnered extensive media attention and is considered to be one of the fastest-growing and most violent ethnic international gangs in North America. There are very few empirical studies to support its reputation, but journalists have raised concern, and Congress is actively targeting this gang. MS-13 reportedly has managed to find and recruit members in many states, including Alaska, Oregon, Texas, Nevada, Maryland, as well as in Mexico and Central America.

Mara Salvatrucha has been recognized by federal, state, and local law enforcement agencies as among the most powerful yet loosely structured gangs in the northern hemisphere, and it is responsible for brutal gang wars, drug smuggling, and illegal transport of aliens across the U.S.-Mexico borders. The gang is accused of seeking alliances with organized crime entities, and members are reportedly responsible for carrying out criminal activities such as protecting territories, facilitating drugs and weapons, and human trafficking. Financial gain is the primary goal shared by these alliances, and relationships among gangs are becoming more sophisticated, thus providing access to technology and weapons that increase gangs' ability to carry out lethal acts against a larger section of society.

The gang reportedly originated in El Salvador in the 1970s as a result of a civil war between government forces and an upper-middle-class revolutionary group, Farabundo Marti National Liberation Front (in Spanish, the *Frente Farabundo Martí para la Liberación Nacional,* or FMNL), which claimed to represent those individuals in the bottom social and economic tiers of their nation. By the end of the civil war in El Salvador, more than 70,000 people were dead and another 900,000 were displaced (Federal Bureau of Investigation, 2005). Thousands of these Salvadorans fled to the United States and migrated to largely Hispanic areas of southern Los Angeles. Most of these areas in Los Angeles were already inundated with powerful Mexican gangs who preyed on weaker cultural groups. So as not to be victimized, former members of the FMNL and other refugees formed a *mara* or posse, which was composed of *salvatruchas* or "street-tough Salvadorans," becoming Mara Salvatrucha in the early 1980s.

Government officials have expressed extreme concern about Mara Salvatrucha because of its ties to powerful ex-paramilitary members in El Salvador, which make it a truly international gang. In the mid-1990s, changes in U.S. immigration laws allowed deportations of convicted criminals, including many gang members. Salvadoran officials claim that many deported gang members returned to the disorganized neighborhoods of El Salvador and other Central American countries in search of eager converts. Youthful recruits from severely impoverished neighborhoods found discipline, purpose, and income. Many then found their way back into the United States illegally, thus increasing the problem in the United States to pandemic proportions.

The Federal Bureau of Investigation indicates that although the majority of members come from

Hispanic cultures, MS-13 has all but lifted the ethnic barriers and now includes African Americans as well. The majority of its members are between the ages of 11 and 40, and they are easily identified through their very visible tattoos. Perhaps one of the biggest problems in ameliorating the influence of this gang is the fact that they are very fluid and operate with no centralized leadership.

Members of MS-13 are presently involved in numerous illegal activities; increasing the difficulty of thwarting these concerns is the gang's international presence. For example, members found their way into smuggling illegal aliens into the United States. As refugees from Guatemala, Honduras, and El Salvador fled their homelands due to economic issues and civil wars, MS-13 members used their gang affiliations to monopolize this illegal trade. As with most gang members, they are willing to participate in nearly any act to gain monetary compensation. They are known to forge alliances with drug cartels and smuggling operations and tend to have a higher level of organization and criminal involvement than other American street gangs.

Mara Salvatrucha's notoriety is a growing concern in the United States, Central America, and Mexico. The Federal Bureau of Investigation and other federal, state, and local law enforcement agencies continue to document its terror tactics and use of brutal violence to enforce its control of certain territories. Members reportedly see themselves as above reproach and above the law and often use bribery, extortion, and physical threats of violence against officials unwilling to cooperate with their plans of action.

Governmental agencies are continuing their efforts at national and international collaboration in an effort to curtail the activities of MS-13. Many of its youthful members are living under deplorable social and economic conditions and are thus highly susceptible to the appeal of an organization that promises to deliver them and their families from poverty and does so by socializing them to reach a level of monetary success through illegal and violent acts.

The increasing urbanization of the United States has led to a disproportionate amount of crime and delinquency in crowded inner cities. Unfortunately, these areas are characterized by poverty, inferior housing, cultural and ethnic segregation, ineffective schools, subpar health care, and high unemployment, and these factors make disadvantaged youth vulnerable to gang recruitment. Advocates for social reform emphasize the need for policies that will enhance the abilities of the poor and underserved to participate in U.S. society as equal citizens, thus reducing the need to survive at the cost of committing criminal and violent acts. Research on gangs is needed not only to help ensure factual accuracy in media reports of their activities, but also to increase the effectiveness both of law enforcement in countering gang-related crime and of governmental and nongovernmental agencies working to alleviate the social conditions that foster criminality.

Danny Pirtle

See also Drug Trafficking; Immigrants and Crime; Latino Gangs

Further Readings

Campo-Flores, A., & Romano, A. (2005, March 28). The most dangerous gang in America. *Newsweek, 145,* 23–26.

Federal Bureau of Investigation. (2005, July). *How we're ganging up on MS-13 and what you can do to help*. Retrieved from http://www.fbi.gov/page2/july05/ms071305.htm

National Alliance of Gang Investigators Associations. (2005). *2005 National Gang Threat Assessment* (Grant No. 2003-DD-BX-0311). Washington, DC: Bureau of Justice Statistics.

Mariel Cubans

Hispanics are the largest ethnic minority in the United States. Social scientists are finding that they have to broaden their scope of research to be inclusive of this demographic shift. Contemporary research efforts in the area of race and crime are moving toward revisiting traditional ways of theorizing about race and ethnicity and their centrality to our understanding of crime and criminality. Although past research practices either omitted or subsumed Hispanic identity along a common racial dichotomy, White or Black, contemporary scholars recognize that Hispanics are multiracial,

multilingual, and defined by a host of varied experiences, most notably immigration.

Cubans are the third largest Hispanic (ethnic) group in the United States. While Cubans have been migrating to the United States for well over 100 years, the Mariel exodus in 1980 was a pivotal experience in that it redefined U.S. immigration policies for Latin and Central America, accelerated unprecedented growth, and brought dramatic social change to south Florida (Miami-Dade County) and beyond. This entry provides a brief historical framework outlining the significance of such experiences for a cohort of Cuban immigrants whose influence across matters pertaining to immigration, crime, and social policy has crystallized the public's perception of both Cubans and Hispanics in general.

Historical Background

From April 4 through September 26, 1980, about 1% of the Cuban population (i.e., 146,965 men, women, and children) migrated throughout Latin America and Europe via the port of Mariel, Cuba. Of the 146,965 "new" Cuban migrants, an estimated 120,000 to 125,000 arrived in the United States courtesy of the Freedom Flotilla, a volunteer group of exiled or expatriate Cuban men and women who employed their own private vessels in making the roundtrip voyage from Key West, Florida, to Mariel Harbor, Cuba. This heterogeneous group of Cuban migrants came to be known as "Marielitos." The epicenter for this monumental migration was south Florida; in particular, Key West, where today a small monument commemorates this entry point for thousands of Marielitos and the coordinated efforts among the U.S. Immigration and Naturalization Services (INS), the U.S. Coast Guard (USCG), and the U.S. Navy in ensuring the safe passage, processing, and documentation of thousands of men, women, and children. The south Florida Cuban exile community or *el excilio* and members of the Freedom Flotilla have also erected their own commemoratives to honor those who did not survive the journey. For Marielitos, Key West was Ellis Island.

Although initial resettlement in the United States for Mariel Cubans included major urban cities throughout the country, a larger percentage—estimates range from 35% to 45%—settled in Miami-Dade County, Florida. The massive Mariel exodus arose from specific economical, political, and social forces burgeoning from the island as a result of the Cuban Missile Crisis aftermath. Moreover, these same migratory preconditions in Cuba also distinctively defined Marielitos in terms of their political ideology, social views, and labor market participation. Specifically, this generation of Cubans represented a third wave of émigrés unlike the first two in terms of age, social class, race, and racial and social identity. Mariel Cubans were primarily male, younger, working class, and a greater percentage than in the earlier waves was non-White. In terms of political ideology and social views, Marielitos were postrevolutionaries in that they came of age under a socialist/authoritarian government and had firsthand experience with the hard realities such a regime entails.

Tangible cohort differences between Marielitos and earlier Cuban émigrés of Wave I (1959–1962) and Wave II (1965–1973) are highlighted by Jose Llanes's skillful analysis of 187 life stories in *Cuban Americans: Masters of Survival.* Llanes effectively demonstrates how 1980 not only marked the third wave of Cuban migrants to the United States but also initiated a new era in U.S.-Cuban immigration (foreign) policies and, for the first time in the 21-year cycle of contemporary Cuban migration (1959–1980), the United States itself was experiencing unprecedented fiscal and social challenges that contributed to the negative stereotypes, misperceptions, and criminal "imaging" that led to the social construction of Marielitos as an immigrant group consisting solely of Cuba's outcasts, for example, criminal offenders, mental patients, sexual deviants, drug addicts, and so on. In reviewing government documents for his landmark book, *The Abandoned Ones: The Imprisonment of the Mariel Boat People,* Mark S. Hamm reported fewer than one half of 1% of the total number of Marielitos (i.e., just under 400) were found to have significant criminal backgrounds. Despite this critical finding, the social construction of Marielitos as a largely deviant or criminal group persisted. Marielitos found themselves entering a very different American society than did earlier Cuban émigrés.

Mariel Cubans and Crime

By the late spring of 1980, public opinion polls clearly showed U.S. and Cuban American sentiments becoming galvanized against the new arrivals; many, even those in the Cuban community, supported repatriating efforts as national and local news coverage of a rise in street crime, especially drug-related violence, became commonplace. The accuracy of such reports was never rigorously investigated, and they led to the criminal imaging of Mariel Cubans. For many people in south Florida and across the United States, an image immortalized in Brian De Palma's 1983 film *Scarface*—a fictional tale of the rise and fall of a Mariel Cuban, Tony Montana, in the cocaine drug world—became the archetypical representation of the new Cuban immigrant: male, young, and violent. Criminologists such as Ramiro Martinez, Jr., have argued the contrary and provide empirical evidence to suggest Mariel Cubans were no more violent than other racial and ethnic groups in Miami at the time. Moreover, empirical evidence has consistently challenged the "crime-prone" imaging used against Mariel Cubans and other Hispanic/Latina/o groups. Although in the 1980s, Miami, Florida, not unlike most cities comparable in size, did experience a rise in crime, Mariel Cubans were not the protagonists portrayed in *Scarface* or in television shows such as *Miami Vice*.

Conclusion

South Florida (Miami-Dade County) became a microcosm for national events unfolding in the United States at the beginning of the Mariel exodus; a fragile local economy, a dwindling property tax base, political scandals involving prominent community leaders, the inception of an anti-immigrant movement, a rising unemployment rate, and an increasing crime rate (especially for homicides), to name a few, created an anti-Mariel fervor that was fueled by suspicion and condemnation by the established Cuban community. Moreover, the U.S. government underestimated the social, financial, and political impact the Mariel exodus would have on the south Florida landscape. For many people living in the United States, the Mariel exodus was their first contemporary experience with immigration. This experience was largely shaped by media accounts, both in the United States and Cuba, that served only to further marginalize Mariel Cubans from both the larger south Florida community and the established Cuban community.

Wilson R. Palacios

See also Critical Race Theory; Immigrants and Crime; Latina/o Criminology; Latina/o/s

Further Readings

Garcia, M. C. (1996). *Havana USA: Cuban exiles and Cuban Americans in south Florida, 1959–1994.* Berkeley: University of California Press.

Hamm, M. S. (1995). *The abandoned ones: The imprisonment and uprising of the Mariel boat people.* Boston: Northeastern University Press.

Llanes, J. (1982). *Cuban Americans: Masters of survival.* Cambridge, MA: Abt Books.

Martinez, R., Jr. (2002). *Latino homicide: Immigration, violence, and community.* New York: Routledge.

Martinez, R., Jr., & Valenzuela, A., Jr. (Eds.). (2006). *Immigration and crime: Race, ethnicity, and violence.* New York: New York University Press.

Moore, J., & Pachon, H. (1985). *Hispanics in the United States.* Englewood Cliffs, NJ: Prentice Hall.

Marshall Hypotheses

The Marshall hypotheses are a series of conjectures by Supreme Court Justice Thurgood Marshall regarding the value of opinion poll data on public sentiments about capital punishment. Because the results of such polls can be of great importance to the U.S. Supreme Court's assessment of the constitutionality of various criminal statutes and policies and practices, the validity of these data is especially important. Justice Marshall's opinions regarding both the importance of public opinion data and the limits of their validity opened an area of social scientific research. This entry describes the origins and precise nature of the Marshall hypotheses. This is followed by a brief review of the social scientific studies (both the methodologies employed and the findings of these studies) that were spawned from Justice Marshall's claims.

In 1972, the U.S. Supreme Court ruled in the case of *Furman v. Georgia* that all death penalty statutes within the United States violated the Constitution's Eighth Amendment ban on cruel and unusual punishment because they required jurors in capital cases to make sentencing recommendations without any legal guidance as to what characteristics of the offense, the offender, and/or the victim should be employed to distinguish between those to be sentenced to death and those to be punished by a sentence less than death. This unguided discretion also led some capital juries to base their capital sentencing decisions on legally irrelevant factors such as the victim's or the offender's race or socioeconomic status. The pattern of sentencing that resulted from this unguided discretion was found by the Court to be both arbitrary, capricious, and discriminatory and, thus, in violation of "the evolving standards of decency that mark the progress of a maturing society"—one of the legal tests used by the Supreme Court to assess cruel and unusual punishment.

One of the great problems for the Court when invoking the evolving standards of decency test is to identify valid and reliable indicators of these evolving standards. Frequently the Court has examined the results of public opinion polls and social scientific research on opinions and attitudes. The Court, however, has not been particularly impressed with the accuracy of such polls. In fact, one of the first to criticize the validity of the results of public opinion polls on the level of support for capital punishment was former Supreme Court Justice Thurgood Marshall, the first Black to be appointed to the U.S. Supreme Court. Ironically, Marshall not only presented a critique of these polls but also emphasized their importance.

Justice Marshall noted that capital punishment would be constitutionally invalid if the public abhorred it; furthermore, he argued that it was imperative for the Court to discern the sentiment of an *informed* public. He emphasized that the probative value of public opinion regarding capital punishment lay only in the opinions of those who were knowledgeable or informed. Marshall opined that support for the death penalty was largely the product of a lack of information about it, but, if the public were fully informed, the majority would conclude that capital punishment is immoral and unconstitutional. Marshall acknowledged one exception to this assertion: for those who support capital punishment for retributive reasons (i.e., eye for an eye, just desert, etc.), knowledge about the death penalty would not be persuasive.

Justice Marshall's claims regarding the effects of knowledge and information on public support for capital punishment are referred to as the "Marshall hypotheses." The hypotheses are as follows:

1. Support for capital punishment is associated with a lack of knowledge about it.
2. Exposure to information about capital punishment produces sentiments opposed to the death penalty.
3. Exposure to information about capital punishment will not influence the sentiments of those who support the death penalty for retributive reasons.

These assertions by Marshall opened a line of inquiry and led to a number of social scientific examinations into their validity.

To date, there have been at least 20 published tests of the Marshall hypotheses, and, while there have been many variations in the research methodologies employed, these studies have all tended to share several common methodological features: (a) a pretest measure of subjects' attitudes toward capital punishment, (b) exposure of at least some of the subjects to information about the death penalty, (c) a posttest measure of subjects' attitudes toward capital punishment, and (d) a comparison of the degree of change in opinion, if any, between subjects exposed to information and those not exposed. In most of these studies, the subjects were undergraduate college students, and the studies varied considerably in terms of both the quantity and quality of the subjects' exposure to capital punishment information. Many of these studies employed a simple one-group, pretest-posttest research design; others compared a treatment group (those exposed to information) to a control or comparison group that was not exposed to the death penalty information.

Despite the variation in research designs used across these studies, the results have tended to be supportive of the Marshall hypotheses, though they are also often mixed. That is,

1. Persons most supportive of capital punishment tend to be the least informed about it.
2. Exposure to information about capital punishment tends to reduce support for it.
3. Those who support capital punishment for retributive reasons tend to be immune to the effects of exposure to information.
4. Despite the effects of exposure on public sentiments toward the death penalty, the majority of the public tends to support the death penalty.
5. Exposure to information about the death penalty tends to polarize opinion such that many of those opposed to capital punishment tend to become more opposed, and several of those supportive of the death penalty tend to become more supportive of it after exposure to information.
6. Those who have publicly pronounced their sentiments for the death penalty are more resistant to changing their opinions after exposure to information.
7. Many initial beliefs about the death penalty, such as its general deterrent effects, tend to be resilient to information contrary to these beliefs.
8. When public sentiments toward the death penalty changed, the change was primarily due to exposure to information regarding the execution of innocent persons and to evidence of racial disparities in capital sentencing outcomes and processes.
9. When public sentiments toward the death penalty changed, the change tended to be slight in magnitude and to rebound to their original, preinformed position.
10. The pattern of findings mentioned does not appear to differ substantially across races, genders, and other social aggregates.

While generally supportive of the Marshall hypotheses, this body of research has not proven very compelling, at least with regard to its influence on subsequent Supreme Court cases regarding capital punishment. Since the reinstatement of capital punishment in 1976 following the Court's decision in *Gregg v. Georgia,* the Supreme Court Justices have relied on other indicators of public sentiment toward the death penalty in their effort to gauge the evolving standards of decency. Most commonly, the justices have relied on the proportion of states that have enacted the death penalty.

Despite the currently diminished salience of public opinion polls to the Supreme Court, such studies are salient for other reasons. First, they constitute a continuing area of study for many social scientists by providing us a near–real-time barometer of public sentiments on important political and social issues. Such data also allow these social scientists to test important hypotheses regarding the social forces and psychological processes of attitude formation and change. Second, public opinion data have very important influences on political processes. For instance, legislators might be swayed against the death penalty if a majority of their constituencies opposed capital punishment; likewise, strong public opposition to capital punishment might influence prosecutorial discretion against seeking the death penalty, and trial judges might feel pressured against sentencing capital offenders to death. Similarly, governors might be less inclined to support death penalty legislation and to sign execution warrants and more inclined to consider commutations and pardons from death row inmates. Finally, the fact that the current Court appears disinclined to consider the potential probative value of such polls does not mean that future Courts will be equally disinclined. Thus, continual work in this area of study remains necessary, including additional tests of the Marshall hypotheses. A badly needed element of such research is the extension of such studies into samples of the general population rather than the more common practice of relying upon undergraduate student samples.

John K. Cochran

See also Death Penalty; *Furman v. Georgia*; *Gregg v. Georgia*; Public Opinion, Death Penalty; Public Opinion, Punishment

Further Readings

Bohm, R. M. (2007). *Deathquest III.* Cincinnati, OH: Anderson.

Bohm, R. M., Clarke, L. J., & Aveni, A. F. (1991). Knowledge and death penalty opinion: A test of the Marshall hypotheses. *Journal of Research in Crime and Delinquency, 28,* 360–387.

Cochran, J. K., & Chamlin, M. B. (2005). Can information change public opinions? Another test of the Marshall hypotheses. *Journal of Criminal Justice, 33,* 573–584.

Martinsville Seven

The Martinsville Seven were a group of young Black men convicted of raping a White woman in Martinsville, Virginia. Frank Hairston, Booker Milner, Joe Henry Hampton, Howard Hairston, James Luther Hairston, John Taylor, and Francis DeSales Grayson were executed in February 1951 for the rape of 32-year-old Ruby Stroud Floyd. This was the first time the State of Virginia had executed so many men for a single rape incident, and the fact that all seven of the men were Black served as a reminder of the harsh treatment of Blacks who violated southern racial codes. This entry describes the crime committed by the Martinsville Seven as well as the subsequent trial and execution of the men.

Ruby Stroud Floyd was walking through the predominantly Black neighborhood of east Martinsville on January 8, 1949, in order to collect a debt that she was owed. Because Mrs. Floyd was unfamiliar with the area, she asked four young Black men—Frank Hairston, Booker Milner, Joe Henry Hampton, and Howard Hairston—for directions to the house that she was trying to locate. Milner directed her to the second house on the right, and Hampton commented that she "looked good enough to hug." The other men ignored Hampton's comment, assuming that he was joking, as the group had been drinking heavily that day. A few moments later, Mrs. Floyd walked past the men again, and Hampton approached her and put his arm around her. Mrs. Floyd began running, but Hampton and the other men pursued her into a wooded area and forced her to the ground. The four men took turns holding her down while the others raped and beat her. Eventually, Mrs. Floyd managed to escape the men and tried to get help from a woman who was walking down the street, but the men dragged her back into the woods. Around 6:00 p.m., James Luther Hairston, John Taylor, and Francis DeSales Grayson came upon the group and took turns raping Mrs. Floyd. After the assault, which lasted about 2 hours, the men left Mrs. Floyd alone in the wooded area. Mrs. Floyd left the scene and went to the nearby house of Jesse and Mary Wade for help. The police were called immediately, and by late Monday morning all seven men who had participated in the attack on Mrs. Floyd were in custody and had signed written confessions.

The case went to the Henry County Grand Jury in early April 1949, and all seven men were indicted on rape charges on April 11. According to Virginia law, the penalty for rape was death. Although Blacks who raped Whites at that time typically paid for their crimes with their lives, Judge Kennon Whittle insisted that the case would be tried in such a way that it would not disrupt the harmonious relationship between Blacks and Whites in the community. The defense had requested a change of venue for the trials, but the request was denied; Hampton, the first of the seven, was tried on April 21, 1949. Later that day, an all-White jury found Hampton guilty of rape. Over the next few days, the other six men were also tried and convicted for the rape of Mrs. Floyd. No Black man or woman sat on any of the juries for the seven men.

Although the juries had each taken a separate ballot for the penalty phase during the trial and had decided on death, there was the possibility that the court might show some mercy since no one had been killed during the attack. Judge Whittle, however, agreed with the juries and sentenced each of the seven men to be executed on July 15, 1949. The defense appealed all of the verdicts, condemning the court's failure to grant a change of venue and the court's willingness to execute Black men for the rape of a White woman, while no White man had ever been sentenced to death for the rape of a Black woman. The appeal was denied on all counts.

Many citizens of Martinsville felt that the penalties that had been imposed against the seven men were unfair, even though juries had the power to recommend the death penalty in rape cases in the state of Virginia. What caused a great deal more controversy than the sentence itself was the way in which the death penalty was applied in Virginia. Statistics showed that no White man convicted of rape had ever received the death penalty, while

Blacks convicted of rape received the punishment fairly often. The defense took this and a plethora of additional evidence regarding the discriminatory application of the death penalty in Virginia to the court of appeals, but, again, the appeal was denied.

Throughout the summer and fall of 1950, support for the Martinsville Seven grew, and the National Association for the Advancement of Colored People (NAACP) and the Civil Rights Congress made efforts to rally additional support. Supporters obtained a number of stays of execution, which gave the defense team more time to prepare additional appeals. The New York Council of Arts held a vigil at the White House and presented a petition to President Harry Truman asking him to intervene and save the lives of the seven men. An appeal was made to Virginia Governor John S. Battle to commute the men's sentences to life in prison, but the governor declined. Shortly after, the U.S. Supreme Court denied a stay of execution and refused to hear the case for the third and final time.

By early February, thousands of letters and telegrams had been sent to Governor Battle's office and hundreds of people picketed the governor's Richmond mansion, hoping for a last-minute reversal. A few dozen supporters marched in protest outside of the prison on the day the seven men were scheduled to be executed. During the first week of February 1951, the Martinsville Seven were executed by electrocution.

Amanda K. Cox

See also African Americans; *Coker v. Georgia*; Death Penalty; Jury Selection; National Association for the Advancement of Colored People (NAACP); Sentencing Disparities, African Americans

Further Readings

Gado, M. (2007). *The Martinsville Seven*. Retrieved from http://www.trutv.com/library/crime/notorious_murders/famous/martinsville_seven

Rise, E. W. (1992). Race, rape, and radicalism: The case of the Martinsville Seven, 1949–1951. *Journal of Southern History, 58,* 461–491.

Rise, E. W. (1995). *The Martinsville Seven: Race, rape, and capital punishment.* Charlottesville: University Press of Virginia.

Zahm, D. L., & French, B. (1993). *Equal protection and the death penalty in historical perspective: The case of the Martinsville Seven* (Academically Speaking: Criminal Justice Related Research by Florida's Doctoral Candidates). Tallahassee: Florida Department of Law Enforcement.

Maryland v. Wilson

In *Maryland v. Wilson* (1997), the U.S. Supreme Court decided by a 7–2 majority that police officers can order passengers out of their vehicles without violating the Fourth Amendment, which prohibits unreasonable searches and seizures. This was an extension of the Court's previous decision in *Pennsylvania v. Mimms* (1977), which established the rule that it is not an unreasonable search or seizure for police officers to order drivers of lawfully stopped vehicles to exit their vehicles. The *Wilson* decision gave police officers the ability to stop vehicles and detain all the occupants for any justifiable reason. Some opponents of the *Wilson* decision argue that this ability contributes to "racial profiling," which is the inclusion of racial or ethnic characteristics in determining the likelihood that a person would commit a particular crime or illegal act.

At around 7:30 p.m. on June 8, 1994, a Maryland state trooper observed a motor vehicle speeding on the south side of Interstate 95 in Baltimore. The car did not have a regular license plate but instead had a torn Enterprise Rent-a-Car tag dangling from its rear. The trooper observed this and turned on his lights, signaling the driver to pull over. The driver continued down the highway for another mile and a half until pulling the car to the side of the road. During the pursuit, the trooper noticed that there were three occupants in the car and that the two passengers, one in the front seat and one in the rear, turned to look back at him several times, repeatedly ducking below his line of sight and then reappearing. As the trooper approached the car, the driver exited the vehicle and met him halfway. The driver was shaking and seemed to be nervous, but he showed the trooper a valid Connecticut driver's license. The trooper instructed the driver to return to the car and get the rental papers. During the traffic stop, the trooper noticed that the front seat passenger also

appeared extremely nervous and jittery. While the driver was sitting in the driver's seat looking for the rental papers, the trooper ordered the passenger, Jerry Lee Wilson, out of the car. When Wilson exited the car, a significant amount of crack cocaine fell onto the ground. The trooper then placed Wilson under arrest for possession of crack cocaine with intent to distribute.

Jerry Wilson filed a motion to suppress the evidence that was found when the officer ordered him out of the rental car, arguing that this constituted an unreasonable search and seizure under the Fourth Amendment. The Baltimore County Circuit Court granted the motion, and the Maryland Court of Special Appeals affirmed, holding that while *Mimms* allows officers to order drivers out of legally stopped vehicles, the law does not extend to passengers. The Supreme Court reversed this decision, ruling that officers may constitutionally order passengers out of legally stopped vehicles.

The *Wilson* Court's rationale followed its *Mimms* decision, which had held that vehicle passengers do not have Fourth Amendment protection from being ordered from their vehicles once a proper stop has been made. Chief Justice William Rehnquist, writing for the *Wilson* majority, stated that the "interest of an officer's safety makes asking a passenger to step out of a vehicle a mechanism for deterring a possible assault because a passenger can be equally as violent towards a cop as a driver." The Court also stated that "the passenger as a practical matter is already stopped by virtue of the vehicle being stopped." The Court decided that the intrusion is minimal and that vehicle passengers can pose a greater risk to police officers than vehicles without passengers.

Justice John Paul Stevens, joined by Justice Anthony Kennedy, acknowledged the danger created for police officers when they order someone out of a vehicle, noting that the risk of assault was increased when the passengers fear they are about to be snagged for some contraband that might be hidden on or around their bodies. The dissenters noted that police were at risk in only a miniscule number of the approximately 1 million traffic stops per year in Maryland. Thus, the benefit of allowing police to order passengers out of the car was marginal when weighted against the inconvenience for ordinary law-abiding citizens that would arise as a result of the ruling.

In a footnote of the majority opinion, the Court addressed the State of Maryland's request that the Court extend the ruling to allow officers to forcibly detain passengers throughout the stop. The Court pointed out that Wilson had not been subjected to detention based on the stopping of the car once he had stepped out; rather, he was arrested on the basis of probable cause—the belief that he was guilty of possession of cocaine with intent to distribute. Since the State of Maryland's position was not presented in *Wilson,* the Justices expressed no opinion on it. Therefore, it remains to be seen whether officers may forcibly detain passengers for the entire duration of the stop.

The *Wilson* case is significant for the topic of race and justice because it gave police officers and law enforcement agencies more discretion in traffic stops. They may now constitutionally order both drivers and passengers out of their vehicles without a warrant. The concern of many opponents of the *Wilson* decision is that this discretion may be abused and may lead to greater racial profiling.

Scott H. Belshaw

See also Profiling, Ethnic: Use by Police and Homeland Security; Profiling, Racial: Historical and Contemporary Perspectives; *State v. Soto*

Further Readings

Maryland v. Wilson, 519 U.S. 408 (1997).
Pennsylvania v. Mimms, 434 U.S. 106 (1977).

Masculinity and Crime

It has long been recognized that men commit more crimes than do women, as reported by official law enforcement sources such as the FBI's *Uniform Crime Report* (UCR). The 2005 UCR demonstrates that this holds true for adult males as well as juveniles (under age 18). Although the arrest rates for the past 10 years have demonstrated a decrease in rates for men and an increase for women, the 2005 UCR data indicate that men still accounted for 76% of adult arrests. For the same year, 82% of violent crime arrestees were male, and males accounted for 68% of property crime

arrests. Being male could be considered the single greatest predictor of criminal behavior. Scholars have explored this fact from a variety of approaches, examining how the concept of masculinity (or at least some malfunctioning types of masculinity) may account for this phenomenon. Obviously, not all males are criminals, and many criminals are indeed female. The notion of masculinity is associated with certain tendencies and characteristics that may not always be tied to an offender's physical sex.

The Criminal Male

It is so widely acknowledged that most crimes are committed by men that criminologists and other social scientists studying crime might not even consider sex or gender in explaining or predicting crime. It may seem such an obvious given premise that it may be missed entirely when theories of crime are developed. However, many scholars have recognized the importance of understanding the role of masculinity in crime. Traits such as toughness, defiance, dominance, power, and willingness to use violence have been identified as masculine traits that also serve as tendencies toward criminality. Research into gang activity has also demonstrated that projection of a tough, masculine persona is an integral part of peer acceptance within violent subcultures.

Scholars assert that because men hold different positions in society due to class, race, or social status, the manner in which they construct their masculinity will vary in accordance with their individual relationships and circumstances. Prominent researcher R. W. Connell developed the concept of *hegemonic masculinity* as an assertion of masculine tendencies that spins off into various effects, such as marginalizing the role of women. Although hegemonic masculinity is not thought to apply to most men, it represents a powerful force of global patriarchy that legitimizes male dominion over women. Although hegemonic masculinity does not explicitly condone violence, it assumes a legitimate use of force, and its effect has also been linked to the vast majority of crimes, including white-collar crimes. Proponents of the concept assert that hegemonic masculinity glorifies and normalizes the overall oppression of women by men and legitimizes it at a societal level.

Crime and masculinity have been historically linked, and early biological explanations held that traits associated with being male, such as dominance and aggression, were the result of evolutionary or physiological tendencies. Psychoevolutionary perspectives hold that criminality among women was eventually suppressed by natural selection processes, just as aggressiveness was evolutionarily encouraged for men. However, the recent trend in rising criminality among women suggests that physiology and evolutionary processes may not be the sole factor in female offending. One study reports that female offenders scored higher on self-reported "masculinity" traits than did nonoffenders, although the source of these attitudes is not yet clear. Whether they come from overall cultural socialization, specific environmental influences (such as the upbringing or the experience of incarceration), or other sources, it is apparent that the idea of masculinity goes beyond one's actual physiological sex, at least when attempting to define masculinity for research purposes. Between 1996 and 2005 (the last year available at this time for complete FBI UCR reporting), women gained 7.4% in overall offense rates. The murder offense rates declined for women (–11.8%), but they did demonstrate an increase in aggravated assaults (+5.4%), burglaries (+5.5%), and other assault (+15.8%) offenses. Whether this is due to women becoming more "masculine" remains a subject to be explored by further research, but it is noteworthy that these offenses reflect a more aggressive, violent, and action-oriented dynamic than other offenses more traditionally associated with women, such as shoplifting.

It is also clear that physical strength alone does not account for the greater prevalence of male offending, because men also offend more than women in property and white-collar crimes. These offenses do not require physical power; nonetheless, they reflect "masculine" aspects of behavior such as toughness, aggressiveness, ruthlessness, and an orientation toward action.

Gender, Race, Class, and Crime

Prominent sociologist James Messerschmidt proposes that race, gender, and class provide the

social structures within which criminal activities take place. Just as one's conceptions of how to regulate one's own behaviors can result in different types of masculinities or femininities, so can race and social class reflect differential criminal offending. Crime takes place within the structures of race, gender, and class. Therefore, one must look at the interaction of these variables when studying crime. Crime occurs through a complex series of relationships among these variables, according to Messerschmidt.

Because crime is generally recognized to be the result of many interacting correlations and causes, a single trait such as one's gender cannot adequately explain the phenomenon. Furthermore, it has been reported that the factors associated with "masculinity," such as aggressiveness, dominion, and "toughness," can also appear in women, although to a lesser statistical degree than in men. Many aspects of masculinity are not necessarily violent or criminal, however. Soldiers who serve bravely and honorably in combat, law enforcement officers who risk their own safety to defend helpless citizens against violent aggressors, and firefighters who rush into burning buildings exhibit positive aspects of these same behavioral traits. Although being male is probably the single most powerful predictor of crime, defining and exploring how masculinity is related to crime remains an open area of research for social scientists.

David R. Champion

See also Biological Theories; Hypermasculinity; Violent Females

Further Readings

Connell, R. W. (1987). *Gender and power*. Oxford, UK: Polity Press.

Herrington, V., & Nee, C. (2005). Self-perceptions, masculinity and female offenders. *Internet Journal of Criminology*. Available at http://www.internetjournalofcriminology.com

Messerschmidt, J. W. (1993). *Masculinities and crime*. Lanham, MD: Rowman & Littlefield.

Messerschmidt, J. W. (1997). *Crime as structured action: Gender, race, class and crime in the making*. Thousand Oaks, CA: Sage.

McCleskey v. Kemp

McCleskey v. Kemp was the last serious challenge to the death penalty in the United States based on race. Numerous criminal justice issues are addressed by this case: equal protection, the application of the death penalty, jury discretion, the use of academic research in court, and racial discrimination. After reviewing the facts of the case, this entry examines all of the critical issues presented during *McCleskey*'s appeal to the U.S. Supreme Court.

Facts of the Case

On October 12, 1978, Warren McCleskey and three other Black men robbed a furniture store. All four men were armed when they entered the store. The employees were gathered and tied, while store patrons were forced to lie face down on the floor. During the course of the robbery, a White police officer entered the store, called by a silent alarm triggered from within the store. The officer was shot twice and died from the wound. McCleskey left the scene of the crime before the authorities arrived.

Weeks later, McCleskey was arrested for another offense. He confessed to being involved in the robbery of the furniture store. The bullet that struck the officer matched the gun that McCleskey had in his possession at the time of the robbery. There were also two witnesses who said they heard McCleskey admit that he had shot the officer. McCleskey was tried in Fulton County, Georgia, and convicted of murder. The jury sentenced him to death.

Basis for McCleskey's Appeal

McCleskey took his case to the U.S. Supreme Court in the hopes of having his death sentence reversed. McCleskey had two grounds upon which he felt the sentence had violated his constitutional rights. First, he felt that the Georgia capital punishment laws violated the equal protection clause of the Fourteenth Amendment. McCleskey argued that the Georgia court had violated his rights by giving him the death sentence based on the fact that he was a Black man accused of killing a White man. He felt that race

played more of a part in determining the outcome of his case than did the facts, and that his sentence was disproportionate to other similarly situated offenders. Second, McCleskey argued that the death penalty was cruel and unusual punishment and thus forbidden by the Eighth Amendment. He claimed that the death penalty in Georgia was being applied in a discriminatory manner. Moreover, it was an arbitrary system that allowed too much discretion on the part of the juries to impose sentences.

To support this belief, McCleskey introduced a study published by Baldus, Woodworth, and Pulaski (1990) to make a prima facie case of racial discrimination. The Baldus study had gathered information on approximately 2,500 murder cases tried in Georgia in the 1970s. After controlling for more than 200 factors, the results showed that race had had a significant effect on the sentencing of offenders. The results of the study showed that Blacks who killed Whites had a greater likelihood than Whites of receiving the death penalty. This strongly suggested racial bias on the part of the state when sentencing minority offenders and therefore violated constitutional rights.

The Court's Opinion

Ultimately, the Court rejected McCleskey's claims and upheld his sentence. The court outlined several reasons for disagreeing with McCleskey's rationale. The Court felt that the use of discretion in determining sentences was one of the components of the U.S. justice system that made it unique. The fact that juries are able to consider the circumstances surrounding a crime and make a decision individually tailored to each case is a foundational part of the system. Defendants are given the right to introduce mitigating circumstances for sentencing considerations. The Court did not want to eliminate this right but instead wanted to preserve it. Otherwise, it would be far too easy for the judicial system to become one in which predetermined sanctions were imposed for each offense and meted out to individuals regardless of the circumstances. The Court felt that would be an even bigger injustice to those brought before the Court in the future. It would also completely change the makeup of the system.

The justices did not agree with McCleskey's argument that the lower court had too much discretion in his particular case. After the *Furman* decision, in an effort to reduce the amount of discretion a jury had, guidelines were implemented for all juries to follow. Under Georgia law, in order to impose a death sentence, 1 or more of 10 possible aggravating circumstances had to be present. In this particular case, two of these factors were present: the murder was committed during a robbery, and it was committed against a peace officer performing official duties. Due to these circumstances, the court was reasonably and legally able to sentence McCleskey to death.

This rationale had also been upheld in *Gregg v Georgia* in 1976, when it was determined that these guidelines effectively channeled jury discretion. The court in McCleskey's case acknowledged that race (as well as other factors) might play a part in sentencing decisions. However, the court could not find a way to censor discretion in this case without destroying other "acceptable" forms of discretion. Noting that all systems have the potential for some sort of problems, the Court had done its part to be as fair as possible and preserve the integrity of the system. Regardless, the Court felt that McCleskey had not successfully shown that there was evidence of bias in his particular case that had affected his sentencing outcome.

Implications

There would have been serious ramifications had the Court allowed McCleskey's sentence to be overturned. The Baldus study did suggest that sentencing practices in Georgia were racially biased. The Court did not question the validity of the study, but it saw potential problems with acceptance of this information as evidence of wrongdoing. A decision in favor of McCleskey would have meant that the Court acknowledged that the bias in the judicial system was serious enough to cause long-term problems. It would have required states to take long looks at their systems and determine where they needed to make changes. It would have suggested that the system needed to be overhauled, or at least studied, to determine exactly where these potential discriminatory practices were entering the system.

There was another consequence of overturning McCleskey's death sentence. If he was successful in getting his sentence overturned based on the racial disparities in the system, there would be nothing to prohibit subsequent defendants sentenced to death from making similar claims. Anyone could present studies similar to the Baldus study as a basis for having their death sentences overturned. The acceptance of this study as sufficient evidence of wrongdoing would have essentially overturned the death penalty as a viable option in the United States. For this reason, this case marked one of the last major challenges to the death penalty for adults in the United States.

Kenethia L. McIntosh

See also Baldus Study; Death Penalty; ***Furman v. Georgia***; *Gregg v. Georgia*

Further Readings

Baldus, D., Woodworth, G., & Pulaski, A., Jr. (1990). *Equal justice and the death penalty: A legal and empirical analysis*. Boston: Northeastern University Press.

McCleskey v. Kemp, 481 U.S. 279 (1987).

McVeigh, Timothy (1968–2001)

On April 19, 1995, the United States was shaken when the federal courthouse in Oklahoma City, Oklahoma, was destroyed by a truck bomb set by Timothy McVeigh. This tragic event has since become known as the Oklahoma City bombing. The resulting initial law enforcement activity and blame initially suggested by various media outlets and political authorities highlighted the continuing problems of race relations and assumptions about race and crime in America.

Background

Timothy McVeigh was a decorated U.S. Army veteran and a Caucasian male. McVeigh, after his discharge from the military, apparently became involved with various militia activities and came under the influence of right-wing authors and works, including the *Turner Diaries*, well known for their message of hate and revolution against the U.S. government. However, he had no criminal record. After engaging in extensive planning and preparation, McVeigh drove a Ryder rental truck filled with explosives to the federal courthouse in Oklahoma City and detonated it. Numerous innocent people were injured, and 169 people were killed in this act of domestic terrorism.

After leaving Oklahoma City, McVeigh was arrested by an Oklahoma state trooper on unrelated traffic and firearms charges and was brought to a local jail. At that time, law enforcement had no idea that McVeigh was one of the persons responsible for the Oklahoma City bombing.

Two days later a connection was made between McVeigh and the bombing. At that time, the federal authorities took custody of McVeigh to hold him on suspicion of the bombing. But what happened during the course of the investigation until McVeigh became the prime suspect raises serious questions about the perspective of American law enforcement concerning race.

The Investigation

Almost immediately after the bombing occurred, the media and the political authorities were rife with theories about the cause of the bombing. Numerous media outlets, including the respected United Press International (UPI), reported that people of Middle Eastern descent were possible perpetrators of this tragic occurrence of domestic terrorism. *The San Diego Union-Tribune* reported some of these occurrences. Cable News Network (CNN) reported that three Middle Eastern-type men had been seen in downtown Oklahoma City at the time of the bombing. The State Department and the Pentagon made public promises to send Arabic translators to Oklahoma City to help with the investigation. An Oklahoma state representative, Dave McCurdy, charged that there was clear evidence of Muslim fundamentalist involvement. All of these statements were untrue and were based on the incorrect assumption of race-connected criminal activity.

The furor resulted in the arrest of an Oklahoma City resident of Middle Eastern descent, Abraham Ahmad. The UPI provided a succinct summation of the facts. Ahmad had left Oklahoma City to travel to Jordan. He was detained in Chicago and questioned for 6 hours before he was allowed to continue on his flight. He was then detained in London, England, and sent back to the United States, where he was forced to undergo further questioning, even though he had had nothing to do with the bombing. Apparently, the only link Ahmad had to the bombing, which was shown to be illusory, was his race and national origin.

The Problem

Ahmad's arrest was a function of his race—nothing more. Despite the known growth of right-wing militia movements in America, which were fueled by the tragedy in Waco, Texas, 2 years before April 19, 1995, there was an assumption that the perpetrators of the Oklahoma City bombing were Middle Eastern or Muslim.

The history of race relations and criminal justice in America is not a secret. There exists a well-documented prejudice against African Americans and other racial minorities in the American criminal justice system that includes disproportionate stops, disproportionate arrests, disproportionate convictions, and disproportionate punishments. Much of these preconviction violations involve racial profiling, which is highly relevant to the situation involving Timothy McVeigh.

Attempts have been made to address this problem through training, legislation, and judicial decisions, one of the most notable decisions being *Mapp v. Ohio* in 1961. Indeed, starting in the 1960s, numerous statutes have been enacted to address the problem of racial discrimination. These efforts have met with varying degrees of success; however, racial discrimination is still present in the criminal justice system.

Timothy McVeigh is symbolic of this continuing problem. McVeigh was White and was not considered to be a perpetrator of the Oklahoma City bombing until direct evidence linking him to the crime was obtained. However, Abraham Ahmad, a Jordanian American who was not even indirectly linked to the Oklahoma City bombing, was detained, extensively questioned, released, then arrested again, and transported back from a foreign country simply because his race was considered a sufficient basis to detain and interrogate him. Even though it had been 30 years since the Warren Court and the start of the revolution in race relations until the date of the Oklahoma City bombing, the situation involving Timothy McVeigh demonstrates that there is still much to be done. Racial discrimination continues to have a disproportionate effect in the criminal justice system on racial minorities in America.

William C. Plouffe, Jr.

See also Discrimination–Disparity Continuum; Disproportionate Arrests; *Mapp v. Ohio*; Militias; Profiling, Ethnic: Use by Police and Homeland Security; Profiling, Racial: Historical and Contemporary Perspectives; White Crime

Further Readings

Campbell, J. R. (1995, November 9). *Government sued in bombing probe*. UPI. Available at http://lexisnexis.com

Goldsborough, J. O. (1995, April 27). The real bomb culprits: Home grown boys and guns. *The San Diego Union-Tribune*. Available at http://lexisnexis.com

Kirkland, M. (1995, April 21). *Justice will probe harassment of Arabs*. UPI. Available at http://lexisnexis.com

Serrano, R. A. (1998). *One of ours: Timothy McVeigh and the Oklahoma City bombing*. New York: Norton.

Smith, D. (1998). Passenger profiling: A greater terror than terrorism itself? *John Marshall Law Review, 32*, 167.

Media, Print

The audience for print news media is decidedly different from the television news media audience. Those who read newspapers are more likely to have a higher degree of education and higher economic status than persons who rely on television news. This entry discusses print media and its presentation of images and depictions of race and crime.

During the 18th and 19th centuries, American newspapers were very different from those of today. Newspapers were geared toward an elite audience and were highly subjective. In 1833,

The New York Sun was the first to produce a newspaper for a wider audience; this led to the creation of a new form of highly sensationalistic journalism. This ratings-geared style of journalism is still present today, cloaked by a claim to objectivity. Then and now, news media are owned and operated mostly by Whites, which can create a bias in reporting. Even well-intentioned journalists may rely on racist or stereotypical themes and narratives.

More recently there has been a transformation of the print media industry. Newspapers are increasingly owned by a few large corporations and are geared toward a wide audience. Advertising typically constitutes 50% or more of newspaper content and, according to the Newspaper Association of America, it accounts for 75% to 80% of a newspaper's revenue. In an effort to capture audiences with the spending power to purchase advertisers' products and services, newspapers and magazines try to appeal to readers whom they think will have the greatest buying power. News that is covered is primarily local and more in-depth than television news. Minorities are not completely absent from print media; for example, today there are more than 200 Black newspapers published in the United States, and according to the Latino Print Network, Spanish-language newspapers had a circulation of 17.8 million in 2006. Nevertheless, the modern news landscape is made up primarily of Whites. Media ownership tends to be even less diverse than the newsrooms. This creates a climate in which the interests of minorities are often underrepresented if not ignored.

The Image of Race and Crime

While the news media do not tell their audiences what to think, they are quite adept at telling their audiences what to think about. In terms of race and crime, the media set non-White criminal acts as a political issue and emphasize that non-Whites are a problem that must be addressed. This is evident in print media's setting the agenda with the issues of poor African American neighborhoods, illegal Latina/o immigrants, and Islamic terrorists. Non-White perpetrators of crime and White victims are grossly overrepresented in the media, despite the availability of accurate crime statistics. The print media, in effect, set an agenda of issues and events in our social consciousness regardless of reality, which often reinforces stereotypes and creates misplaced fear.

The National Advisory Commission on Civil Disorders, better known as the Kerner Commission, reported in 1968 that the media failed in reporting what life was like for Blacks in America by failing to show Black Americans as a regular part of society. Instead, Black Americans were portrayed in a way that promoted stereotypes and reinforced prejudicial attitudes. In addition, the committee found that the media did not correctly report underlying conditions and problems with regard to race relations. Furthermore, the Kerner Commission believed that it was the job of the media to make the realities of race relations known to White Americans. For example, the commission found that while newspapers covered racial protests in the 1960s, they did not report the causes of the protests. This is evident in the coverage of the 1965 Selma to Montgomery march that was led by Dr. Martin Luther King, Jr. *The New York Times* reported the march on its front page and in some of the inside pages of the paper, but it did not give background information on the low number of Black registered voters and the obstacles faced by African Americans when they tried to register.

While the press is supposed to be a neutral source of information, members of the press rely heavily on the use of "sources" or contacts for their reported information. These sources are often quoted and stories are slanted toward their recount and perception of events. Often these sources do not reflect the opinions and perceptions of the Black community.

Depictions of Race and Crime

The news media frame how crime issues are presented to the public and contribute to our beliefs about crime. Most members of the general public do not witness crime firsthand. Instead, they rely on second-hand information presented by the media. Print media often state the race of the victim, the particulars of the crime, and the neighborhood in which the crime took place. There is less room for graphic or suggestive imagery, which makes word choice important. This was evident during the 2005 Hurricane Katrina, when in some media sources Black residents of New Orleans were described as

looting and stealing food, while their White counterparts were described as finding food.

Communication researchers explain such phenomena in terms of *episodic framing* that focuses on crime events as singular and random occurrences without putting the story in context. Television news lends itself to this type of coverage and tends to disproportionately show non-White perpetrators committing "random" acts of violence on White victims. *Thematic framing,* on the other hand, provides a broader context; print media lend themselves well to this format. Crime may be put into a greater context of poverty, drug abuse, and systematically racist policies. However, print media still tend to segregate non-Whites and Whites by using racist narratives that place non-Whites as a problem to be dealt with by White leaders.

Gwendelyn S. Nisbett and Jennifer Hartsfield

See also Fear of Crime; Hurricane Katrina; Media Portrayals of African Americans; Media Portrayals of Asian Americans; Media Portrayals of Latina/o/s; Media Portrayals of Native Americans; Media Portrayals of White Americans; Television News

Further Readings

Entman, R. M. (1993). Framing: Toward clarification of a fractured paradigm. *Journal of Communication, 43,* 51–58.

Johnson-Cartee, K. S. (2005). *News narratives and news framing: Constructing political reality.* Lanham, MD: Rowman & Littlefield.

Lotz, R. (1991). *Crime and the American press.* New York: Praeger.

Martindale, C. (1986). *The White press in Black America.* Westport, CT: Greenwood.

Radford, B. (2003). *Media mythmakers: How journalists, activists, and advertisers mislead us.* Amherst, NY: Prometheus.

Stabile, C. A. (2006). *White victims, Black villains: Gender, race, and culture.* New York: Routledge.

Media Portrayals of African Americans

The media have long been known to influence the public's view of crime, and the media's depictions of race and crime have interested social scientists for decades. African Americans are portrayed by the media in many diverse ways, some positive, some negative. This entry examines social scientists' and media consultants' assessment of factors that influence media portrayals of African Americans and contrasts the media's portrayal of African Americans, crime, and police for the general population with media portrayals by African Americans themselves that are aimed at promoting positive images and countering negative stereotypes.

Background

In the 1950s, television became greatly influenced by the economic class system. The media portrayal of African Americans and crime to the general public was no exception to this class system's influence. Hidden audience research, news consultant firms, and the Warner Class Model (which proposed that Americans could be divided into six classifications: upper class, upper middle class, lower middle class, upper lower class, middle lower class, and lower class) has greatly influenced the way the media began to portray events and the content of news programming. Mass communication agencies and journalists contend that the Warner Class Model changed television forever.

This model was then used by a research institute at the University of Chicago, called Social Research, Inc. (SRI), to fashion a model for television executives to determine what type of programming should be used in presenting news. Media executives were informed that the great majority of Americans were in the lower class and thus would form their largest viewing public. Research consultants told executives that the majority of Americans watching television did not have a college degree, maintained menial positions of employment, and planned family gatherings around media programming. This research, however, painted an overly simplistic image of the average viewer. With the help of focus groups and field surveys, the researchers went so far as to indicate that the common viewer preferred pictorials, enjoyed storytelling, and found the didactic reading of news reports uninteresting and confusing. They determined that the lower class was "living with television." This spurred a frenzy of "eyewitness

news" media tools as viable methods for reaching the identified lower-class viewer. Networks began to use pictures, graphic images, and oversimplified versions of news content to report crime to its viewers. Today, researchers contend that this type of news programming oversimplifies issues and bombards the audience with visual images that further promote the use of stereotypical and fictitious depictions of African Americans and crime.

"Eyewitness" news boomed in the 1960s when it seized on the civil rights movement. Images of African Americans being assaulted and sprayed with fire hoses by local law enforcement officers, and stories of children killed in church bombings, filtered into living rooms across the country.

Depictions of African Americans and Crime

Social scientists, race theorists, and criminologists have long held interest in the media's influence on the perception of African Americans and criminalization. Theorists purport that news media and crime dramas disproportionately align violence with African Americans.

Media Portrayal of African American Victims and Perpetrators

Studies show the media pay more attention to wealthy or affluent victims than to economically disadvantaged victims. Nevertheless, when accounting for economics and other social factors, news broadcasts overly represent African American perpetrators while underrepresenting African American victims, according to Robert M. Entman and Andrew Rojecki. These social scientists contend that studies conducted in the 1990s in Chicago, Los Angeles, and other markets across the nation documented a racial skew in the portrayal of violence and crime in the news media: reports indicated that news media disproportionately portrayed Whites as victims, although African Americans were more likely to be victimized. Consequently, more airtime was devoted to stories featuring White victims. In fact, the time spent on White victims as compared to African American victims was 3 to 1.

Researchers nationwide have noted the tendency of media to underreport crimes against African Americans. When examining the news media's portrayal of African American victims, the story of Terrell Pough caught many researchers' interest. Terrell Pough was featured in *People* magazine in 2005. The magazine honored Pough for being a young, single, African American father. Pough attended school while working two jobs, inspired by the love of his toddler daughter, whom he cared for by himself. The media proclaimed Pough an example for men of all races. The Philadelphia 76ers honored both Pough and his daughter at a basketball game. Pough was reportedly offered gifts, a car, and jobs following his feature in *People*. Pough was brutally murdered outside his Germantown, Philadelphia, apartment on November 17, 2005. The media's response to Pough's death, according to journalist Jill Porter of the *Philadelphia Daily News,* is an indication of how African American victims are valued less than White victims. Pough was allegedly killed for failure to pay for a large shipment of cocaine. The media signaled their disapproval by a lack of interest and scant coverage of Pough's killers' trial and of African American communities' outrage at his death. Although Pough had been treated as a hero, the media's depiction of him quickly changed upon the accusation of his involvement in the sale of illegal drugs.

Media Portrayal of African American Perpetrators

Even if the media portrayals of African Americans in violent stories are accurate, the fact that they are done so disproportionately and without contextual explanation further exacerbates and promotes negative stereotyping of African Americans and crime. Studies show that African American suspects are 4 times as likely to be depicted in the media by a police "mug shot" than White suspects, for whom a family, class, or work photo is used. Data also showed that local news programs provided an onscreen name for Whites accused of violence. In fact, a 1993–1994 study showed that in 47% of cases when Whites were accused of violence, pictorials included their names. Only 26% of cases when African Americans were accused of violence included pictorials with names. Social scientists argue the absence of a suspect's name implies the person's identity does not matter, lending credibility to the stereotypical implication that "Blacks are all alike."

Additionally, African American suspects are often shown in police custody, handcuffed and/or in prison attire. Often, pictorials of African Americans are also more violent and less humanistic than those of Whites accused of the same crimes.

Depiction of White Police Authority

Media consultants and social scientists examined the depiction of police authority and control as it influences the media's portrayal of African Americans and crime. The image of White police authority, according to the research, is portrayed as more valid and credible than are the images of police from Black and other groups. Studies show that in 95% of news stories in which a White was accused of a crime, the media sought White police officers for comment. African American officers were rarely used as consultants. Studies indicate that even when African Americans were accused, African American officers were sought for comment only 35% of the time. African Americans are frequently displayed in the custody of Whites, but the reverse situation is rarely if ever shown.

Several studies have been conducted on the media's influence in cases such as *California v. Powell*. This famous case, recognizable to the general public as the case involving Rodney King and the Los Angeles Police Department (LAPD), has been credited with inciting the 1991 Los Angeles riots. On March 3, 1991, members of the LAPD were filmed kicking and striking King 56 times with their batons, along with stunning him twice with an electric Taser gun. This amateur videotape flooded American living rooms with images of law enforcement brutally arresting an African American male. Reports stated that the public anxiously awaited verdicts that would condemn the actions of the Los Angeles Police Department. When the jury verdicts of acquittal were announced, news media reported shocked and surprised responses from communities around the nation, while legal specialists and commentators explained that the video shown in court depicted a violent and uncontrollable Rodney King that justified the officers' tactics. Researchers once again noted how quickly the media's interest switched from King to law enforcement's response to King. Although a civil suit followed and some of the officers involved were held accountable for their actions, the media's lack of response, some experts contend, was an indication of the media's minimal interest in Black victims.

Depiction of Negative African American Role Models

Scientists have acknowledged an additional perspective and classification for evaluating the media's portrayals of African Americans and crime. Portrayals of African Americans and crime that are created and designed by African Americans themselves, often with the goal of influencing African American viewers, differ from those created by White producers for the general viewer. Race theorists contend that the media play a role in forming individuals' self- and salient identities. Production of media by and for African Americans is necessary to decrease negative stereotyping and influence positive social change. Many race theorists argue that African Americans influence the promotion of positive African American images and crime when they are given the opportunity to provide positive role modeling.

Although critics recognize the influence of positive role modeling and its increase in positive media portrayals of African Americans and crime, some theorists argue that the media continue to promote negative stereotypes. According to some racial critics, African American writers, producers, and artists have contributed to these factors. Social and racial theorists argue that the images of African Americans used in rap and hip hop videos further contribute to the negative stereotypes promoted in the media. Explicit lyrics that describe the brutal killing of rival gang members and the aggressive, sexual African American male are commonly found in rap music videos and films. The images of African American males as gangsters and drug lords promulgate stereotypes of African Americans as criminals.

Recently, African American journalists and other media researchers have examined contentions that popularized criminal cases such as the O. J. Simpson trial, and the media's coverage of these events has polarized Americans along racial lines. African Americans eagerly awaited the jury

verdict in the Simpson trial because it would indicate whether an African American could receive a fair trial either in the media or in a court of law. However, many researchers today are suggesting that Americans' responses to this publicized trial, although they appear to be divided along racial lines, stem less from allegiance (or lack thereof) with the race of the accused and more from an increased distrust of the criminal justice system as it appears to favor the wealthy.

Conclusion

Public attitudes about race and crime are subject to many influences. Two clear perspectives emerge from research on the media's portrayal of African Americans and crime: (1) portrayals of African Americans and crime for general viewing has been predicated on economic class and the "eyewitness" news format, and (2) the media created by African Americans for African Americans continues to seek a balance between the economic pressure of creating profitable media and the aim of providing positive role modeling for African Americans. Researchers continue to watch for diverse trends in the media's portrayal of African Americans and crime and continue to search for its meaning within the communities that they represent.

Allison M. Cotton and Rhonda Ntepp

See also Blaxploitation Films; King, Rodney; Media Portrayals of White Americans; Race Relations; Racial Hoax

Further Readings

Entman, R., & Rojecki, A. (2000). *The Black image in the White mind: Media and race in America.* Chicago: University of Chicago Press.

Newkirk, P. (2000). *Within the veil: Black journalists, White media.* New York: New York University Press.

Roberts, G., & Kliganoff, K. (2006). *The race beat: The press, the civil rights struggle and the awakening of a nation.* New York: Knopf.

Wortley, S., Hagan J., & Macmillan, R. (1997). Just des(s)erts? The racial polarization of perceptions of criminal justice. *Law & Society Review, 31,* 637–676.

Media Portrayals of Asian Americans

Historically, media portrayals of Asian Americans have been ambivalent. Asian Americans have been depicted either as a threat—the "yellow peril"—or as a role model for other minority groups. In the late 19th century, Asian Americans were considered a threat because of their differences in physical characteristics, cultures, and work ethics from those of Whites and European Americans. In the 1960s, the term *model minority* emerged, casting Asian Americans as role models because of their accomplishments. Asian Americans were recognized by the media for their success in business and education; this success was attributed to Asian Americans' close-knit family ties, moral values, and diligent work habits. These two stereotypes are the basis for media portrayal of Asian Americans in movies and television sitcoms, television news, magazines, and newspapers. This entry examines the accomplishments of Asian Americans and how the images depicted of them (favorable or not) have affected their status in the United States.

Accomplishments by Asian Americans

Asian Americans have made some notable accomplishments in the United States. In education, 83.3% of Asian Americans have graduated from high school and 43.6% hold bachelor's degrees or higher, in comparison to European Americans' percentages of 80.7% and 24.6%, Blacks' percentages of 74.3% and 15.1%, and Hispanics' percentages of 55.5% and 10.0%, respectively. As to social-economic status, Asian Americans have a higher annual income level of $64,238, compared with Whites', Blacks', and Hispanics' income levels of $52,423, $31,969, and $37,781, respectively. Besides having attained higher education and income compared with other racial groups, Asian Americans have reportedly the lowest percentage of arrest rate at 1.1%.

Because of these significant achievements, Asian Americans have since the 1960s been portrayed by the media as a "model minority." Historically,

however, Asian Americans have not always been portrayed so positively; as noted earlier, they had been labeled the "yellow peril"—a threat to Whites culturally, economically, politically, and militarily.

The Yellow Peril Versus the Model Minority

The term *yellow peril* was believed to have been coined in the late 19th century by the German Kaiser, Wilhelm II. At this time and in the early 20th century, White Americans in the United States were in fear of the massive Asian population migrating from the Philippines, India, and especially from China and Japan. Yuko Kawai has observed that these Asian immigrants were considered an economic threat to U.S. workers, and their cultural differences were seen as endangering American culture.

Shah noted that many Asians leased unwanted swamp land and made it arable for agricultural purposes, so they succeeded in the produce business. Asians were also competing against unskilled poor Whites for cheap labor. Asians' willingness to work hard angered many White Americans. The Asian Exclusion League (AEL) was formed in 1905 to expel all Asians from the United States and prevent any more Asian immigrants from entering the country. At the same time, a negative view of Asians was being portrayed in an article in *The New York Times* that alleged that the Chinese were a threat to the United States as a nation because they were uncivilized people with social vices who had no knowledge or appreciation of free institutions or constitutional liberty. Notwithstanding such portrayals, Asian immigrants remained in the United States, although still considered to be foreigners; and the negative image of the "yellow peril" continued to influence American attitudes.

In the 1960s, the media constructed the model minority stereotype to describe Asian Americans. In 1966, William Petersen wrote an article in the *New York Times Magazine* titled "Success Story, Japanese-American Style" to recognize Japanese Americans' achievement of success on their own. Petersen was given credit for coining the term *model minority* in this article. Kawai notes that at the end of 1966, another model minority article about Chinese Americans moving ahead on their own without anyone's help, titled "Success Story of One Minority in U.S.," appeared in *U.S. News and World Report*. These two articles initiated the positive stereotype of Asian Americans that is still prevalent today.

The media depict Asian Americans as the model minority groups, with attributes such as having close-knit families, being law-abiding citizens, and dedicating their best efforts to education and work. Asian American parents instill in their children moral values, proper conduct, and the importance of education. In 1986, Anthony Ramirez stated in a *Fortune* magazine article, "America's Super Minority," that Asian American children scored higher than White American children in various academic, cognitive, and intelligence tests; they received As more often and received failing grades less often than White American children. Due to the portrayals of Asian Americans as being serious about work and education, which has led to their success, they are seen as silent, disciplined, and serious, although sometimes socially inept. Asian Americans are considered fierce competitors in the workplace, academia, and the economy.

Asian Americans in the Media

Asian Americans in the Film Industries and Television Sitcoms

In investigating the yellow peril and model minority stereotypes, Hemant Shah found that there are four common images the film industries use to portray Asian Americans. In movies and television sitcoms, Asian Americans are depicted as the yellow peril and the Charlie Chan for males, and the dragon lady and the lotus blossom for females.

The yellow peril image was used in the early 20th century in Hollywood to portray Asian American men as menacing, predatory, and lusting after White American women. Throughout American film history, Asian American men have been given roles such as frosty killers, martial artists, and cunning villains. According to Shah, movies such as *Broken Blossoms* and *The Cheat* showed Asian men as a threat to Americans. The yellow peril character could be seen in some more recent films such as *Big Trouble in Little China* (1986) featuring James Hong, Peter Kwong, Carter

Wong, and James Pax; *Lethal Weapon 4* (1998) featuring Jet Li; and *Rising Sun* (1993) featuring Cary-Hiroyuki Tagawa.

In 1936, Hollywood created the positive image of Charlie Chan to illustrate the benign and mysterious Chinese. In movies, the Charlie Chan character was often a mysterious man with awesome powers of deduction and wisdom. He is quiet, unassertive, and nonthreatening to White Americans. The Charlie Chan image remains very popular, appearing in recent movies like the *Rush Hour* series (1998, 2001, 2007) featuring Jackie Chan; *Romeo Must Die* (2000), *The One* (2001), and *Kiss of the Dragon* (2001) featuring Jet Li; and *The Replacement Killers* (1998) and *Bulletproof Monk* (2003) featuring Chow Yun Fat.

The female version of the yellow peril is identified as the dragon lady. This term was used by a journalist to describe the late 19th-century Chinese empress Tsu Hsi, who arranged the poisoning, strangling, beheading, or forced suicide of anyone who challenged her rule. In the movies, Asian American women were portrayed as evil, sneaky, mean, and a threat to White American women because they are sexually alluring and seductive to White men. The dragon lady image illustrates an Asian woman who is desirable yet dangerous and untrustworthy. The dragon lady character can be seen in movies such as *Payback* (1999) and *Kill Bill* (2003), and television shows *Ally McBeal* (1997–2002), featuring Lucy Liu, and *Gray's Anatomy,* featuring Sandra Oh.

The opposite of the dragon lady is the lotus blossom. By the end of World War II, the film industries began to show positive representations of Japan and the Japanese in relation to the United States. From this context, the lotus blossom image emerged to portray Asian American women as beautiful and exotic, yet submissive, meek, faithful, and eager to fulfill their men's needs. Recent movies such as *The Samurai* featuring Koyuki, *Memoirs of a Geisha* featuring Ziyi Zhang, and the 1969–1972 television show *Courtship of Eddie's Father,* featuring Miyoshi Umeki, depicted Asian American women with the lotus blossom's attributes.

Asian Americans on Television News

Asian Americans have had very limited exposure on television news as anchors and/or reporters, subjects, and sources. In fact, only 2% of Asian Americans are second-chair anchors, who speak after the head anchors in reporting the news. In the past 3 decades, there have been only a few Asian American anchors and/or reporters appearing on national television. For instance, Connie Chung started her career in 1973 with *CBS News* and since then has worked with *NBC News, Evening News with Dan Rather,* and ABC *20/20*. Julie Chen is another Asian American anchorwoman who appears in CBS programs such as the *The Early Show, CBS Morning News,* and *Big Brother*. In addition, Lisa Ling was known for her appearance in *The View* on ABC and is currently working for the National Geographic Channel.

In most places the news itself shows Asian Americans as a minute presence, since only 1% of the news stories have an Asian American focus. Further, 60% of stories reported by the local television news in which the race of the perpetrators is revealed are crime related. It was noted that only 1% of the perpetrators mentioned in these stories were Asian Americans. These numbers further stress the media's portrayals of Asian Americans as the model minority in that they are law-abiding citizens.

Asian Americans in U.S. Newspapers

Wu and Izard completed a study to determine whether Asian American journalists contribute to news stories related to Asian Americans. One of the research findings indicated that newspapers in cities with large Asian American populations tend to hire more Asian American staff members. The research also found that the number of Asian American journalists positively related to the number of stories about Asian Americans, meaning that Asian American journalists are more likely to have an Asian focus in their news stories.

Within a wide variety of news coverage, Asian American news stories often involve issues of culture and immigration. Cultural events and reviews of movies, live theater, and concerts reportedly have the most news coverage. Immigration issues such as immigration procedures and issuing of student visas ranked after cultural topics in coverage. Ranking third were stories of Asian Americans in the community who are successful

and prominent in their businesses. Education, domestic politics, food, and social issues in the Asian community were also covered.

Asian Americans in Magazines

Magazines have certain ways in which they choose to represent Asian Americans in advertisements, all essentially in keeping with the model minority image. Brendan Coats and Silvia Knobloch-Westerwick found that Asian Americans were underrepresented in magazines, in that Asian American models showed up in only 7% of ads in magazine for the general public and 12% of ads in magazines favored by Asian American readers. Research by Hye Jin Paek and Hemant Shah pointed out that 10.3% of magazine ads included Asian Americans, a small percentage compared with Blacks and Hispanics. Although Asian Americans have limited representation in magazines, according to Sung-Hee Joo and Ki-Young Lee, they typically feature in a major or leading role when they do appear.

Marketers often feature Asian Americans as professionals, technicians, and business people in magazine ads whose contents include high-tech products such as computers, automobiles, and the Internet. Specifically, Asian American portrayals were concentrated 35.3% in business, 18.5% in computers, and 16.7% in Internet ads; these numbers are considerably higher than those for Blacks and Hispanics.

In ad settings, Asian Americans are primarily featured in a business environment versus a social, home, or nonbusiness setting, which portrays Asian Americans as industrious and hard-working but nonsociable people. Joo and Lee found that 62% of ads with Asian Americans are in a business setting, and 12.4% are in social and home settings. It is believed that Asian Americans dedicate most of their time to work; therefore, they do not have time for a social life. Settings for Black or Hispanic models vary from workplace to outdoors.

Conclusion

Through the communications and entertainment media, society forms its stereotypes of Asian Americans and expects them to possess certain characteristics associated with membership in a model minority. In striving for success, Asian Americans can benefit from widespread contemporary positive images of themselves. At the same time, considerable pressure to live up to high expectations can result in social stigma for young Asian Americans if they should fail and thereby bring disgrace to their families.

Hong-Le Ha

See also Asian American Gangs; Asian Americans; Immigrants and Crime; Model Minorities

Further Readings

Coats, B., & Knobloch-Westerwick, S. (2006). Minority models in advertisements in magazines popular with minorities. *Journalism & Mass Communication Quarterly, 83*(3), 596–614.

Izard, R., & Wu, D. (2005, August 5). Representing the total community: Relationships between Asian-American staff and Asian-American coverage in U.S. newspapers. *The 2005 Asian American Journalists Association Focus Study Report,* 1–10.

Joo, S.-H., & Lee, K.-Y. (2005). The portrayal of Asian Americans in mainstream magazine ads: An update. *Journalism and Mass Communication Quarterly, 82*(3), 654–671.

Kawai, Y. (2005). Stereotyping Asian Americans: The dialectic of the model minority and the yellow peril. *The Howard Journal of Communications, 16,* 109–130.

Paek, H. J., & Shah, H. (2003). Racial ideology, model minorities, and the "not-so-silent partner": Stereotyping of Asian Americans in U.S. magazine advertising. *The Howard Journal of Communications, 14,* 225–243.

Shah, H. (2003, August). Asian Culture and Asian American identities in the television and film industries of the United States. *Simile, 3*(3). Retrieved from http://www.journalism.wisc.edu/mpi/shah/asiancult.pdf

Media Portrayals of Latina/o/s

In recent decades, with regard to the topic of race and crime, the majority of scholarly and critical analyses of media portrayals have focused primarily on African Americans in relation to White Americans. However, a growing body of research

activity has increasingly begun to explore media portrayals of Latinos and the effects of such portrayals on audience members. To date, U.S. media offerings have done a comparatively poor job in portraying Latina/o Americans in fair and diverse ways. At the same time, Latinos today represent the largest and fastest-growing minority group in the United States; additional care and effort devoted to portraying them more accurately will inform audience members about the diverse realities and lived experiences of members of this important demographic group. This entry explores typical media representations of Latinos (both generally and in relation to crime), the likely effects of continual exposure to them, and promising strategies by which to improve the quality of such portrayals in the years to come.

Media Portrayals of Latinos

The clear majority of media portrayals of Latinos to date have been inaccurate, stereotypical, culturally insensitive, and/or demeaning in content. In large part, that is because many of these portrayals have been created and disseminated by individuals in positions of power who are not Latina/o themselves and lack an adequate understanding of contemporary lived realities of Latinos. In portrayals spanning several decades and ranging from news to entertainment offerings, it has been common for Latino men to be portrayed as poor, uneducated, lazy individuals who do not speak English well and have little regard for law and order, as well as for Latina women to be portrayed as foreign, exotic looking, promiscuous, impoverished individuals who take but give little back to their country. Typical stereotypical and quite limiting roles pertaining to Latina/o Americans in U.S. films have included the "bandito," the harlot, the dark lady, and the Latin lover. Many starring roles for Latinos in U.S. films are played by a limited number of the same performers, including Antonio Banderas, Penelope Cruz, Andy Garcia, Jennifer Lopez, Edward James Olmos, and Rosie Perez.

Media offerings regularly condense information and alter social and cultural facts, with the aim of accommodating market tastes and desires. It is perhaps unsurprising, therefore, that media portrayals of Latinos have changed over time, frequently as a reflection of U.S. political and economic relationships with Latin American and other countries throughout the world. For example, most scholars who study media portrayals of Latinos agree that such portrayals improved dramatically during both World War I and World War II. In contrast, during the early years of the 21st century, media portrayals of members of this demographic group have at times been negatively affected by racism resulting from immigration and terrorism concerns.

In contemporary media offerings of all kinds, it is not uncommon for Latino men to be portrayed as overly macho, controlling, passionate, or even abusive. Similarly, it is not uncommon for Latinas to be portrayed as impoverished mothers with too many children, all of whom depend on welfare to survive or work as servants to non-Latina/o others. One-dimensional, highly stereotypical portrayals tend to be the norm rather than the exception, and their continual presence emphasizes the importance of analyzing the relationship between media portrayals and personal problems and perceptions. This brief discussion is not meant to imply that there are no media portrayals of Latinos that defy such representational patterns. At the same time, it is important to note that well-developed, well-rounded portrayals of such individuals, still today, remain few and far between. In addition, several scholars maintain that images of Latinos in Hollywood films and related media artifacts have become increasingly negative and unfavorable rather than more positive over time.

Media Portrayals of Latinos and Criminal Activities

The most typical media portrayals of Latina/os to date, in relation to crime, have featured them as gang members, drug dealers, illegal immigrants, transients, prostitutes, and young mothers with large numbers of children who either regularly partake in criminal behaviors themselves or benefit from the criminal activities of others who are close to them. This has been the case both in news and entertainment offerings. In addition, entertainment-based reality television programs such as *America's Most Wanted* and *Cops* regularly portray Latinos as criminal perpetrators to such an extent that they

offer substantially distorted representations when compared to rates of crimes committed by members of this demographic group.

Because the contemporary definition of "news" places a substantial degree of importance on crime stories in relation to racial and ethnic minorities, it is perhaps unsurprising (albeit highly unfortunate) that Latina/o Americans are portrayed regularly in relation to the problem of crime. With regard to news portrayals specifically, researchers with the National Association of Hispanic Journalists and related organizations have found that Latina/o-related stories typically comprise less than 1% of all stories on network newscasts, despite the reality that Latinos comprise approximately 15% of the U.S. population. At the same time, in the instances when Latinos are portrayed in such newscasts, they are quite commonly depicted as criminals, with the total percentage of stories and airtime devoted to covering Latina/o-related crime stories far exceeding the actual statistics pertaining to crimes involving Latinos. Researchers have also found that Latinos are much more likely to be portrayed using mug shots than are non-Latina/o Whites.

However, when it comes to depicting Latinos in relation to crime in U.S. media offerings, a small but growing number of Latina/o actors in films and prime-time crime-based television series have played the roles of law enforcement officials, and a small but growing number of Latina actresses have played the roles of hospital nurses who interact with those officers. Critics believe that such opportunities for enhanced portrayals of Latinos in U.S. media offerings reflect the growing awareness by media professionals that a rapidly expanding segment of their potential audience members is Latina/o and desires to see itself reflected onscreen.

Impact of Exposure to Media Portrayals of Latinos

Distorted and very limited media portrayals of Latinos can produce a range of real-world effects that influence various aspects of contemporary life, including those pertaining to domestic policy, foreign policy, human rights, and the criminal justice system. Continual exposure to such portrayals can substantially influence the way that non-Latinos regard and respond to members of this demographic group, especially among audience members who have few or no firsthand encounters with Latinos as they go about their daily lives. In addition, academic and cultural critics alike fear that the overrepresentation of Latina/o Americans as undesirable individuals and criminals is directly related to their substantial degree of underrepresentation as analysts and experts in media offerings.

The overrepresentation of Latinos in news stories pertaining to crime has been found to result regularly in prejudicial pretrial publicity. For example, researchers have found that both Latinos and African Americans today are at least twice as likely as Whites to be the victims of prejudicial statements in television news. They have also found that Latinos who allegedly victimize Whites are nearly 2 times more likely than Whites to be the victim of prejudicial information, often resulting in serious social, legal, and psychological ramifications. In addition, this overrepresentation of Latinos as criminals and its corresponding stereotypical portrayals have been found to exacerbate women's fear of crime, for they come to believe that they are extremely likely to become the victims of out-of-control dangerous strangers in the form of poor minority men. As a result, large numbers of audience members regularly develop distorted, culturally dangerous notions about what types of individuals are most likely to commit crimes, and when and where various crimes are most likely to occur.

Despite the aforementioned trends in media portrayals of Latinos, it is important to note that Latinos are widely regarded as the most underrepresented demographic group on U.S. television and in various other kinds of media offerings. The relative scarcity of media portrayals of Latinos overall can also have negative effects on members of this demographic group. As researchers have continually demonstrated, a lack of media portrayals of members of any demographic group typically maintains the comparatively powerless and/or marginalized status of that group (in relation to members of other demographic groups that are more regularly portrayed in media offerings) through a process that has come to be known as "symbolic annihilation." With regard to Latinos specifically, this phenomenon refers to their historical nonrepresentation and current underrepresentation in

U.S. media offerings of all kinds, which implies that Latinos are not as important as members of other cultural backgrounds (because they are so rarely portrayed) and implicitly contributes to a culture of low expectations for Latina/o students as well as stereotypical distortions with regard to Latinos and their lived realities.

Improving the Quality of Media Portrayals of Latinos

Change and improvement in the quality and range of media portrayals of Latinos is clearly required in order to more accurately represent the members of this demographic group. Such modifications may result from various means. Ongoing efforts to attract and retain Latina/o journalists, for example, are expected to continue to improve the quality of news portrayals of Latinos in the coming years. In this regard, it is believed that increased numbers of Latinos and members of other racial and ethnic minorities who make the decisions in news organizations—such as by deciding which stories to cover and who gets to cover them—will result in a much broader range of Latinos featured in news accounts and a much more accurate picture of the realities of Latina/o life in the United States.

The growing number of U.S. television programs featuring Latina/o performers—including the recent sitcoms *Freddie* (starring Freddie Prinze, Jr.) and *George Lopez* (starring George Lopez), the dramedy series *Ugly Betty* (starring America Ferrera and Salma Hayek), and the half-hour comedy show *Mind of Mencia* (starring Carlos Mencia)—are similarly serving to expand the range of more accurate and fair representations of Latina/o Americans. In interviews, Mencia has referred to his effective ability to invoke stereotypes, mix them with humor, and use them to achieve anti-stereotypical ends. *Ugly Betty* emerged as an adaptation of a Colombian *telenovela* and includes a number of Latina/os in important behind-the-scenes positions, including the roles of creator, producer, and writer. Alternative movies created by Latina/o filmmakers have also been utilized effectively in recent years to explore and address important issues of exclusion and discrimination.

Self-representation of Latinos in documentaries offers another promising approach to improving the quality of portrayals of members of this sizable demographic group. Such media artifacts enable Latinos to document their own lived experiences, with assistance from loved ones, friends, and trusted associates, for presentation to audience members of similar as well as quite different ethnicities and backgrounds. Such documentaries are made with the goal of more accurately depicting conditions encountered regularly by Latinos in various aspects of their everyday lives. As such, these media offerings represent an important form of alternative representational production, because they involve the creation of potentially influential portrayals of Latinos from within their own communities.

Kylo-Patrick R. Hart

See also Latina/o Criminology; Media, Print; Sentencing Disparities, Latina/o/s; Victimization, Latina/o

Further Readings

Berg, C. R. (2002). *Latino images in film: Stereotypes, subversion, and resistance*. Austin: University of Texas Press.

Dixon, T. L., & Linz, D. (2002). Television news, prejudicial pretrial publicity, and the depiction of race. *Journal of Broadcasting and Electronic Media, 46*, 112–136.

Lane, J., & Meeker, J. W. (2003). Ethnicity, information sources, and fear of crime. *Deviant Behavior, 24*, 1–25.

Madriz, E. I. (1997). Images of criminals and victims: A study on women's fear and social control. *Gender and Society, 11*, 342–356.

Padin, J. A. (2005). The normative mulattoes: The press, Latinos, and the racial climate on the moving immigration frontier. *Sociological Perspectives, 48*, 49–75.

Rodríguez, C. E. (Ed.). (1997). *Latin looks: Images of Latinas and Latinos in the U S. media*. Boulder, CO: Westview.

Media Portrayals of Native Americans

Native Americans historically and in the present day are portrayed by media that reflects and alters

social realities. Their portrayals, images, representations (misrepresentations and stereotypes) socially construct the realities of culture, collective identity, ideology, and policy. Often Native Americans are viewed as victims of these portrayals and as actors with power to alter those images and realities. Among scholars, including many who are Native Americans, the media portrayals of Native American crimes and the criminalization of Native Americans are understood within a wide social and historical context. This entry presents an overview of types of media portrayals of Native Americans in historical and contemporary contexts.

Types of Media and Types of Native American Portrayals

News and entertainment media in today's multimedia landscape present a myriad of images in newspapers, movies, comics and cartoons, television, music, literature, and textbooks and websites. Historically, stereotypical portrayals of Native Americans have included the Indian enemy; the hostiles; the bloodthirsty savage; the noble savage; the Indian as spirit guide; the American Indian sports team mascot and warrior symbol; redskins; squaws; wild Indians; the drunken Indian; the vanishing Native; the Native as people of the past; the good Indian and the bad Indian. The U.S. government recognizes more than 550 distinct American Indian nations, with diverse customs, language, use of natural resources, sources of wealth, and governmental and judicial structures, but the dominant mainstream media make this rich diversity invisible through underrepresentation as well as gross misrepresentation.

Indians have appeared in U.S. newspapers since the first papers in the English colonies, including *Publick Occurrences, Both Forreign and Domestick*, which was the first multipage newspaper in America. News about Natives emphasized them as enemies and allies in the French and Indian Wars. Later accounts, emphasizing attacks and atrocities, are described by the norms of the White society. Among the early publishers was Horace Greeley, who decided to "Go West" when he was a popular editor of the *New York Tribune*. Greeley, by 1859, with a transcontinental railroad to promote, began his journey west, filing news dispatches to the *Tribune*. Seeing the west as a large open space for U.S. expansion, Greeley experienced western Indians, including the Delaware, Ottawa, and Osage, and reservations as impediments to progress. He saw Arapahos who were begging or stealing and stopping wagons until their demands were met. He described the Indian wars as cruel, cowardly, plundering forays, which brought disgust. His harsh judgment also revealed an ideology that Native Americans should help themselves, subdue and cultivate the earth, and with those views helped sustain decades of ideology that mythologized Native Americans.

Native Americans were portrayed in news media as treacherous Seminoles of Florida and the Sioux camp of cutthroats along Montana's Little Bighorn River. Newspapers reported conflicts in graphic, sensational detail, typically describing hostile Indians maiming, mutilating, kidnapping, and killing Whites. The "Indian Problem" emphasized the violence, sometimes advocating White revenge and genocide. Though "bad Indians" were featured, the "good Indians" emerged in the press portrayals in honest and sympathetic terms, showing the humanity in the Natives. Such "noble savages" were thought to be saved through Christianity and the application of civilization.

Native American news and press coverage show patterns of misinformation that link with the historic process of dispossession, when Native Peoples have been removed from their lands, their resources, self-governance rights, and freedoms. Scholars have argued that media misinformation prevented Indian peoples from getting their stories told accurately. Moreover, the mainstream press, which has shaped public perceptions of Native Americans, paved the way for human rights abuses and atrocities. Believers in the manifest destiny of Whites to own the "new world" advocated violence against Indian people. The negative reporting during the western movement of the 1800s and 1900s occurred at a time when most newspaper owners and publishing empires also owned the mines and railroads that were a major part of that westward expansion.

Contemporary news media studies show biased press coverage in such mainstream media as *The Boston Globe* and *The Wall Street Journal*. Studied in 2001 and 2002, the newspapers editorialized about the New York Indian casino issues, using

stereotypical images to strike tribal development. The former state governor was called the "chief" and later the "Great White Father," reducing journalism to prejudicial name calling. Gaming enterprises were labeled bad, since they, according to the news media, would bring lowlifes, organized crime, drugs, prostitution, loan sharking, and money laundering. A *Time* magazine cover story, "Look Who's Cashing In at Indian Casinos," was deemed negative by Native Americans, since the series reported antitribal ideas that self-governance rights are unfair, corrupt, and inept. Other reporters picked up on that story, and by late 2002 this pattern of media coverage had resulted in the criminalization of Natives by association and innuendo.

Similarly, in 2007, *The New York Times* reported and editorialized against the Long Island Shinnecock Indian Nation's building a casino in the wealthy Hamptons. The paper argued that while economic development is an issue for the tribe, whose members have long struggled against poverty, drug abuse, and limited opportunity, gambling is an illegitimate route to wealth. A more balanced news report was published by the *Long Island Press,* titled "Gambling With Tradition," which reviewed local and national development strategies including redistribution programs. The visual image on the cover, however, presented the stereotype of the warrior chief in war headdress staring at oversized dice suspended in the air. News coverage in New York State most recently has been limited to the illegal sales of cigarettes among the Poospatucks.

Along with newspapers, narrative literature, including the work of James Fenimore Cooper, continued the stereotype of the ennobled though bloody savage. Generally, this growing literature, the "dime novels," Wild West shows and theater, along with the press, provided useful stereotypes, supporting the business of building a nation. The Native American portrayal as the noble savage provided a symbol of natural virtue, an idealized identity that helped make a case for American abundance and optimism. As sociologists like Todd Gitlin and others have argued, the media are a major force in the establishment and maintenance of an ideological hegemony and the power to define identity and the boundaries of everyday. Changes in journalistic conventions, practices of selection and emphasis, technology, and news organizations shape the portrayals and provide ways to read the portrayal more critically. For example, news that reinforced images of Indians as warlike often took precedence over stories of importance to Native Americans, including land claims and government policies. Important, also, are the social movements that foster Native American media enterprises, newspapers, and use of the Internet. Mainstream media are challenged to respond to the Kerner Commission reports that not enough people of color are on staffs of mainstream media, distorted coverage persists, ordinary lives and community activities of people are not covered to the same extent as those of Whites, and sources of news are too seldom drawn from non-Whites. Native Americans, like other minorities, can tell their stories and portray themselves through media for community building and to provide alternative portrayals to the broader public. The alternative press uses Indians to strike against capitalism and racism, using the struggle for rights; the environmental press tries to debunk the myth of natural conservation; the New Age press generated the Indian as the symbol of spirituality. More research is needed on the topic of news media portrayals and the connection among news media, social scientific, and ethnographic documentaries.

The "celluloid Indians," Hollywood movies and the Native Americans portrayed in film, have been researched extensively. Filmographies and analyses of stereotype pervade the research, which treats film as more than an instrument of representation. Films are objects of representation that are not merely a reflection of the "real." Images, both photography and film, reach over time and can have multiple interpretations. Viewers over time respond to portrayals that pass through layers of interpretation. There is no simple Hollywood Indian; portrayals of Native Americans in film span more than 100 years. The Native American is a definable Other in an emerging national mythology dominated by Euro-American groups, using the power of film media to define itself and Others. Portrayals in film often relied on the stereotypes that Native Americans are stupid, dirty redskins, heathens, with primitive spirituality. Other negative stereotypes persisted, but there were changes during the 20th century that show more nuanced portrayals of Native Americans;

images nevertheless are still stereotyped, from "savages" to "noble red men." The film westerns did not attempt the historical accuracy that was expected from newspapers, and directors used images to show the superiority of their heroes and to comment on political, social, and moral issues. In such early films as D. W. Griffith's *The Battle of Elderbus Gulch* (1913), a tribe attacks settlers who have killed their chief's son. A cavalry attacks them after the warriors attack a town, kill men, women, and a baby. In Griffith's later film, *America,* savage Mohawks fight with the British and attack a fort, then are driven off by the hero and his men. A staple of the westerns, the portrayal of Native Americans as wild savages, motivated by vengeance, who rape and kill, persists through the history of the western film genre. Later films—*Little Big Man* (1970) or *Dances With Wolve*s (1990)—transfer the negative image to evil White soldiers or politicians. Films are viewed over time and through diverse media, including television and the Web. Because of this reach, these media portrayals are more powerful in an increasingly wired globe. Native American images and the western movement are seen throughout the world, with questionable effects that should be researched further.

The Missing Media Portrayals of Native Americans

Missing from the media portrayals of Native Americans are images that adequately account for the long, complex history of a diverse population. History texts and other educational media often have similar negative stereotypes, although there are movements to redress those errors. Such topics as the American Indian identity, activism and change, tribal nationalism and governmental recognition, the arts and expression of today's Native Americans, museums and educational institutions, the "vanishing" and "returning" Native Americans, resistance, politics and rights doctrines, the power of Native languages, the power of Native women, the world of children and youth that is not "juvenile delinquency," current environmental and land practices, and Native American justice on and off the reservations would enlighten the public. These representations would move beyond the stereotypes, providing a fuller portrayal of Native Americans in a multimediated world.

Social scientific research on Native American crimes, the changing definitions of crime historically, the process of criminalizing minority populations, working together with the mainstream media and the academy would make this knowledge more available. Ethnographies, including the photodocumentary work of Edward Curtis, archives, and the anthropological tradition can be reinvestigated for the purpose of doing additional research and comparative analysis, correcting misrepresentations of the past and adding perspectives and Native voices to our knowledge. One location for a more interactive multimedia source for research and study is the National Museum of the American Indian. It offers DVDs, including titles like *The Sand Creek Massacre: Seven Hours That Changed American History,* winner of the best documentary short film in the American Indian Film Festival.

Diana Papademas

See also Indian Civil Rights Act; Indian Self-Determination Act; Native American Courts; Native American Massacres; Native Americans; Native Americans: Culture, Identity, and Criminal Justice System; Native Americans and Substance Abuse; Racialization of Crime; Victimization, Native American

Further Readings

Capture, G. H., Champagne, D., & Jackson, C. C. (Eds.). (2007). *American Indian nations*. Lanham, MD: AltaMira Press.

Coward, J. M. (1999). *The Newspaper Indian: Native American identity in the press, 1820–90*. Chicago: University of Illinois Press.

Curtis, E. S. (1997). *The North American Indian*. New York: Taschen.

Dines, G., & Humez, J. M. (Eds.). (2003). *Gender, race, and class in media*. Thousand Oaks, CA: Sage.

Grounds, R. A., Tinker, G. E., & Wilkins, D. E. (Eds.). (2003). *Native voices*. Lawrence: University of Kansas Press.

Kilpatrick, J. (1999). *Celluloid Indians/Native Americans and film*. Lincoln: University of Nebraska Press.

Merskin, D. (1998). Sending up signals: A survey of Native American media use and representation in the mass media. *The Howard Journal of Communications, 9,* 333–345.

Media Portrayals of White Americans

The media exert a significant influence on Americans in the 21st century, since many people rely on the media as their primary source of information about issues and people with whom they have little direct contact. In one form or another, whether television shows, news reports, movies, or magazine and newspaper articles, the media affect and influence virtually everyone. This influence extends to public perceptions of race and crime.

In general, the media portray White Americans in proportion to their share of the total U.S. population, except in crime-based reality shows, where research shows that Whites are depicted as suspects significantly less often than they are in fact criminal suspects. This entry describes portrayals of White Americans in various types of media, including television network news and crime shows, movies, magazines, and newspapers.

Network News and Crime

Numerous scholars have examined the portrayal of Whites in the news media. In one study by Christopher Beaudoin and Esther Thorson that focused on local news coverage, 18% of Whites were depicted as being restrained by a police officer and 65% were mentioned by name. Two prominent sociologists, Ted Chiricos and Sarah Eschholz, found that White criminals and victims appeared in the television news at the same rate, but non-White victims were shown one fourth as often as non-White suspects. Travis Dixon hypothesized that unidentified suspects will be perceived as being Black to heavy news viewers, whereas unidentified officers will be perceived as being White. He also hypothesized that unidentified and White officers will be perceived more positively than Black officers. In line with his hypothesis, Blacks were stereotyped as being the criminal and Whites were stereotyped as being the officer. Robert Entman found in several studies that crime news heightened Whites' fears of crime and their tendency to support public policy such as the death penalty and longer sentences for criminals. Kenneth Dowler argues that in American newscasts, racial images saturate media portrayals of crime and victims, and White victims receive more sympathy and attention by the news media than do minorities.

Depictions of White Americans on TV Crime Shows

Because most people do not have firsthand experience with the criminal justice system, they learn about crime from the media. Often, crime reality shows take the form of "infotainment"—a highly stylized, edited, and formatted form of entertainment that, according to Ray Surette, is presented as realistic depictions of crime and the criminal justice system. Similarly, crime drama shows such as *Law & Order* and *NYPD Blue* appear to offer accurate portrayals of law enforcement and criminal justice.

Crime Dramas

Content analysis of fictional programs has demonstrated that they depict Whites as criminal suspects more often than members of other racial groups as criminal suspects. Whites, however, should be depicted more than any other racial group since they are the largest majority in the United States. Researchers who reviewed 103 programs in a one-week sample of prime-time TV programming that aired on ABC, NBC, CBS, and FOX during the 1997 season found that suspects were portrayed as White 82% of the time. The same analysis indicated that these programs portrayed officers and representatives of the court as White 83% of the time. Thus, Whites were being overrepresented, since according to the U.S. Census, Whites accounted for about 71% of the population.

Researchers have found that Whites are more likely to be portrayed as victims of crime, especially of violent crimes. Sarah Eschholz, Matthew Mallard, and Stacey Flynn selected 44 one-hour episodes, with 20 from ABC's *NYPD Blue* and 24 from NBC's *Law & Order,* as a sample from the entire 2001 season of both the shows. They noted the racial composition of all the characters on the two shows, such as the characters, victims, offender, violent offender, handcuffed, criminal justice personnel, law enforcement personnel and attorneys, and compared these with New York

City population data. They found that Whites made up 65% of all the characters on *NYPD Blue* and 75% of all the characters on *Law & Order,* as compared to the New York City Census that showed Whites made up only 45% of the New York City population. On *NYPD Blue,* Whites made up 50% of the victims, but the NYC data shows Whites are victims only 19% of the time. Also Whites were represented as offender or suspect 65% of the time, violent offender 75% of the time, and handcuffed 71% of the time on *Law & Order*. But the NYC data shows they actually account for only 13% of these. Therefore there is a significant overrepresentation of Whites in all the categories in both *Law & Order* and *NYPD Blue*. This shows an overrepresentation of Whites on these two shows as compared to the NYC data, but it does not show an overrepresentation of Whites for the national population. An example of overrepresentation that was found is, according to the 2000 *Uniform Crime Report,* Black males are most often victims of violent crimes, but in television programs, Whites are more likely to be shown as the victims of crimes, especially violent crimes. Chiricos and Eschholz also found that Whites are much more likely to be shown as police officers and tend to hold other noncriminal positions. When African Americans and other minorities are shown, they are more likely to be cast as an offender than their White counterparts.

Crime Reality Shows

Content analysis of crime reality shows has results similar to those for crime dramas. During a 2-month time span, Kathleen Curry watched 45 episodes of the primetime reality-based TV show *COPS* during the 1996 season. Curry then selected one episode that was chosen by how closely it corresponded with the issues mostly represented on reality police shows. She gave a survey to 117 Arizona State University students and did a focus group session with the students. She found that mainly White middle-class Americans were watching *COPS* in order to get a glimpse of the lower class and the crimes they committed. Whites are depicted more often as the police officers whereas minorities are depicted as the criminals. Additional research has shown that Whites are depicted as suspects about 38% of the time. Whites are underrepresented as suspects on *COPS* compared with their population and arrest statistics. *COPS* also demonstrates a more negative portrayal of African Americans than of Whites.

Movie Portrayals of White Americans

Billions of dollars are invested in the production of movies each year, and billions of dollars in profits are earned. For the most part, these movies portray White Americans in mostly respectful, nonviolent, middle-class roles. Entman and Rojecki, for example, found that 486 of the 630 actors were White in the top 63 films during 1996. Nineteen of the films listed used exclusively White actors in the top 10 cast positions, a significantly higher rate than for other races. In these movies, Whites were more likely to be authority figures, be depicted as less violent, use correct grammar, and be seen in less sexual roles than African Americans.

White Americans in Magazines and Newspapers

Another area where the media is influencing the American public is through magazines. According to Hazim-Adams, who reviewed *People* magazine in the years 2001 through 2005, there were a total of 256 articles, and 191 of those were about White female celebrities. Seventy-four percent of female articles were about White female celebrities, and 71 White female celebrities were the cover stories. Only 6.3% of the articles addressed White celebrities having trouble with the law. Therefore, *People* magazine tends to downplay criminal activities by White celebrities.

Unlike viewers of television news, readers of newspapers normally do not know the race of the perpetrators or victims. According to R. M. Entman and Andrew Rojecki, the *Chicago Tribune* portrays a somewhat less threatening world than the television news does. They found that the newspaper did not carry as many articles about violence as did local television. Seventy-eight percent of violent crimes had no picture attached to the article. This means that Whites were not portrayed either positively or negatively in the *Tribune* with respect to their crime reporting.

Conclusion

Whites dominate every arena of American society including the media coverage. On television news and reality-based crime shows, Whites occupy positive roles such as those of police officers and attorneys but are underrepresented as suspects. Prime-time television shows such as *NYPD Blue, Law & Order,* and *COPS* depict Whites more than they portray members of other racial/ethnic groups. Although Whites do make up the largest ethnic group in the U.S. population, they are under- or overrepresented in some types of programming. Both how often members of various ethnic groups are portrayed and how they are portrayed have an impact on viewers' perceptions. Images of Whites in the media tend to reinforce White status and power and often convey a sense that America is essentially a White society of White people. Such portrayals may produce a distorted picture of the world of crime and criminality.

Jennifer Williams

See also Media Portrayals of African Americans; Media Portrayals of Asian Americans; Media Portrayals of Latina/o/s; Media Portrayal of Native Americans

Further Readings

Beaudoin, C. E., & Thorson, E. (2006). The social capital of Blacks and Whites: Differing effects of the mass media in the United States. *Human Communication Research, 32*(2), 157–177.

Chiricos, T., & Eschholz, S. (2002). The racial typification of crime and the criminal typification of race: The social construction of social threat by local TV news. *Journal of Research in Crime and Delinquency, 39*, 400–420.

Entman, R. M., & Rojecki, A. (2000). *The Black image in the White mind.* Chicago: University of Chicago Press.

Eschholz, S., Mallard, M., & Flynn, S. (2004). Images of prime time justice: A content analysis of *NYPD Blue* and *Law & Order*. *Journal of Criminal Justice and Popular Culture, 10*(3), 161–180.

Surette, R. (2007). *Media, crime and criminal justice: Images and realities* (3rd ed.). Belmont, CA: Thomson-Wadsworth.

Tamborini, R., Mastro, D., Chory-Assad, R. M., & Huang, R. H. (2000). The color of crime and the court: A content analysis of minority representation of television. *Journalism and Mass Media Communication Quarterly, 77*(3), 639–653.

Mediation in Criminal Justice

Since the 1970s, mediation has been gaining widespread popularity, visibility, and acceptance around the world, from the interpersonal level to the international. Its presence is evident in a wide range of contexts, particularly those situations in which disputing parties can be engaged to play a role in managing their own outcomes. When racially sensitive situations occur, mediation is a particularly useful intervention process, since it helps the parties communicate directly, break down their stereotypes or images, and facilitate a better understanding of each other.

Despite the fact that the criminal justice system has historically relied on adversarial methods resulting in win/lose outcomes and the idea that guilt must be proven beyond a reasonable doubt, mediation, a nonadversarial process, has increasingly been embedded in many components of the system. Although not a panacea, mediation does provide an opportunity to address allegations that the criminal justice system is insensitive to situations when race is involved. In short, the growing use of mediation has the potential of stimulating a major paradigm shift in the criminal justice system's management of race-related matters.

Mediation

Generally speaking, *mediation* refers to a process whereby a third party, known as a mediator, assists the disputing parties to have a difficult conversation by empowering them to share their concerns and helping them find creative ways to work through their differences. Mediators are trained to listen actively, identify and reframe issues, reflect emotions, help the parties brainstorm options, and bring closure to situations. Relying on a structured process using ground rules to assure respectful and safe interactions, mediators engage the parties to share, listen to, and understand each other's needs and perceptions, and lay the foundation for more constructive interactions in the future.

Central to mediation are several key principles, including self-determination by the parties and confidentiality of the information shared. Because mediation relies on parties' willingness, readiness,

and ability to participate, it is essential that the parties not be coerced to reach agreements or that decisions not be made for them while engaged in the mediation process. To help create an open environment, which is crucial for parties to share information and concerns during mediation, parties are typically assured that information they share will be kept confidential. Exceptions to confidentiality usually include child abuse, domestic violence, and knowledge that a crime will be committed.

There is no universally accepted way to mediate. Mediators use personal styles and a variety of philosophies and techniques. The three types of mediation that are most recognizable are facilitative, transformative, and evaluative. Generally speaking, *facilitative mediation* assists the parties to communicate better and understand their concerns in order to solve their own problems; *transformative mediation* seeks the empowerment and mutual recognition of the parties involved using a nondirective approach for the parties to understand their situation; and *evaluative mediation* is a more directive approach that assesses the parties' situation and offers guidance about the outcomes. Depending on the mediator and context, variations of the types may be used; however, in the criminal context, facilitative and transformative mediation dominate.

Mediators are expected to bring particular qualities to interventions. Among them are open-mindedness and tolerance of differing cultures and styles. Mediators need to be aware of their own biases, assumptions, and beliefs and how they may affect the process. Training targeted to enhance cultural competence and knowledge about race relations is a component of many mediation training initiatives.

Uses of Mediation in the Criminal Justice System

The uses of mediation in the criminal justice system vary markedly. There are two basic ways in which criminal justice professionals use it: first, as trained mediators who convene parties in face-to-face sessions themselves; second, as referrers of parties to mediation services. For those who are trained mediators, their own understanding about biases and prejudices as well as their ability to work with individuals from diverse backgrounds is increased. However it is used, mediation can provide a window of opportunity to enhance race relations in the criminal justice system.

Community Mediation

Evidence of mediation in the criminal justice system is most palpable among community mediation programs, which have proliferated in local communities. Drawing on the diversity of their local communities, these programs have made significant inroads in demonstrating how mediation can be of value to the criminal justice system. They have trained thousands of local citizens as mediators, usually volunteers, to handle a wide range of cases that would otherwise be handled by the criminal courts. While most of the criminal matters processed by these programs tend to be on the misdemeanor level, in fact felony cases, albeit less frequently, are also processed. Given the strong ties to their local communities, these programs have routinely reached out to local police departments and other criminal justice agencies where they have conducted training programs or served as referral sources. For situations involving race-related concerns, mediation is particularly useful since it allows for sensitivity to the parties' different communication and conflict management styles. Additionally, in racially and culturally diverse communities, mediators at local mediation programs often reflect the composition of the residents.

Restorative Justice and Victim–Offender Mediation

Mediation is often crucial to restorative justice initiatives. *Restorative justice,* with roots in indigenous communities, is an umbrella term that refers to a variety of informal justice processes that rectify harm and restore relationships by involving victims, offenders, and members of the community. Among the processes are family group conferences, circle sentencing, peacemaking circles, community reparative boards, and victim–offender mediation. Of these processes, victim–offender mediation has been one of the most popular forms of restorative justice, in which victims and offenders participate in an informal, nonadversarial face-to-face process to discuss how they see the situation. Victims have an opportunity to share

their concerns, get answers, and begin to recover. Offenders have a chance both to provide information about why they engaged in the offense and to be restored to the community. If others from the community are present, they can expand the discussion regarding ways to respond to an offense. Outcomes can include restitution, apologies, and creative work arrangements. When situations involve race relations, for example, some hate crimes, a variety of offenses in racially mixed neighborhoods, or offenses where offenders and victims are racially or culturally different, mediation can provide victims and offenders with an opportunity to better understand each other and heal.

Police Use of Mediation

The growth of community policing and proliferation of community mediation programs have both played a significant role in expanding the use of mediation among the police. Community policing's emphasis on creative problem solving and establishment of partnerships with the citizens highlight the need for police officers to work closely with the community in order to address its concerns creatively.

There are two basic ways in which the police can use mediation. First, police trained as mediators have acquired a set of skills that enables them to assist parties to work through their differences on the scene. They listen to the parties and help them to reach mutually agreed-upon outcomes. Mediation deliberately encourages the police to pay attention to their own attitudes, values, and behavior regarding situations involving race.

Second, the police can refer cases to mediators, usually at local community mediation programs. These mediators can devote more time to exploring some of the underlying concerns so that the potential of enhancing race relations in the community is maximized.

Numerous police departments have added mediation to their responses to civilian complaints against the police. Among the types of complaints sent to mediation are improper, discourteous, or offensive language, use of verbal threats, and mild use of physical force. Mediation provides all parties involved, citizens and the police, with an opportunity to meet face to face and discuss the interaction that triggered the complaint. Citizens can get answers to their questions. Police can explain what they did, why they did it, and help to clear their records. Mediation in this context provides citizens and police an opportunity to discuss issues that can often strain relationships between the police and members of minority communities.

Challenges

While the use of mediation has been widely introduced in all aspects of the criminal justice system, it faces a wide range of ongoing challenges. Among them are the perception that mediation is soft on crime, a potential violation of due process, unsuitable for situations in which there is an imbalance of power, and a second-class form of justice. It is often misunderstood and mistrusted by criminal justice professionals and the public. For instance, if mediation is conducted on the scene by police officers, parties who are often in the middle of emotionally charged situations are not ready, willing, or able to participate in a process that relies on more deliberate, rational discussion. On-the-scene mediation does not lend itself to the kinds of preparatory measures taken by mediators in more traditional contexts, where they pay attention to getting parties ready to meet, consider meeting location, write agreements, and do follow-up. For prosecutors and judges, mediation raises questions about the suitability of sending their cases to a nonadversarial, win/win process.

Of particular note, mediation usually occurs behind closed doors. In instances where there could be irregularities, parties' interests or rights can be violated without any oversight. Racial minorities could be especially vulnerable since mediation is so dependent on the knowledge skills and sensitivity of the mediator.

Future Prospects

The potential use of mediation in all components of the criminal justice system where there is an intersection of race and crime has yet to be fully tapped. While there continues to be a need for more research on the use of mediation, it is safe to say that mediation provides the criminal justice system with a valuable tool in managing race-related situations. Trained criminal justice

professionals bring additional skills either to intervene more sensitively or to refer cases to other mediators. Disputing parties who experience race-related differences in the criminal justice context would benefit from the kind of opportunity to understand each other as provided by mediation.

Maria R. Volpe

See also Drug Courts; Juvenile Drug Courts; Restorative Justice

Further Readings

Berger, V. (2000). Civilians versus police: Mediation can help to bridge the divide. *Negotiation Journal, 16*, 211–235.

Cole, S. R., Rogers, N. H., & McEwen, C. A. (2001). *Mediation law, policy, practice*. Eagan, MN: Thomson/West.

Herrman, M. S. (2006). *The Blackwell handbook of mediation bridging theory, research, and practice*. Malden, MA: Blackwell.

Johnstone, G., & Van Ness, D. W. (2007). *Handbook of restorative justice*. Portland, OR: Willan.

Menkel-Meadow, C., Love, L. P., & Schneider, A. K. (2006). *Mediation practice, policy, and ethics*. New York: Aspen.

Moore, C. W. (2003). *The mediation process: Practical strategies for resolving conflict* (3rd ed.). San Francisco: Jossey-Bass.

Umbreit, M. S., Coates, R. B., & Kalanj, B. (1994). *Victim meets offender: The impact of restorative justice and mediation*. Monsey, NY: Criminal Justice Press.

Umbreit, M. S., & Greenwood, J. (2000). *Directory of victim-offender mediation programs in the United States*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office for Victims of Crime.

Volpe, M. (1991). Mediation in the criminal justice system: Process, promises, problems. In H. E. Pepinsky & R. Quinney (Eds.), *Criminology as peacemaking* (pp. 194–205). Bloomington: Indiana University Press.

Volpe, M., & Phillips, N. (2003). Police use of mediation. *Conflict Resolution Quarterly, 21*, 263–267.

Walker, S., Archbold, C., & Herbst, L. (2002). *Mediating citizen complaints against police officers: A guide for police and community leaders*. Washington, DC: U.S. Department of Justice, Office of Community Oriented Policing Services.

Wright, M., & Galaway, B. (Eds.). (1989). *Mediation and criminal justice: Victims, offenders, and community*. London: Sage.

Websites

Conflict Resolution Information Source: http://www.crinfo.org

Mediate.com: http://www.mediate.com

Mentoring Programs

Race and crime are two major factors associated with many of the mentoring programs that have been established to date. Programs are not typically designed to target specific races or criminogenic behaviors; rather they focus on youth who are seen to be "at risk" for individual and/or environmental reasons. Such youth are empirically and theoretically identified as being members of minority, low-income or poor single-parent families, who reside in socially disorganized urban, rural, and suburban areas more prone to criminal activity. In the past decade there has been an influx of mentoring programs initiated to address the needs and problems of these young people. This entry examines mentoring programs, why they exist, and their benefits to at-risk youth and identifies targeted populations.

Mentoring

Mentoring has traditionally been used to make differences in the lives of young individuals through support, guidance, and assistance as a means to promote and guide positive youth development. Mentoring is not used to change behaviors, but rather to provide long-lasting friendships. This is accomplished through personal activities between mentor (i.e., adult or student) and mentee (i.e., younger person). For example, visiting museums or libraries, attending sports games and theatrical plays, going to the park or shopping, spending time talking about life and everyday experiences, or going over a homework assignment.

Mentoring programs have been established to provide children with the opportunity to have

influential one-to-one relationships with caring adults or high school students built on trust and dedication. These relationships are typically structured around initiatives designed and funded to focus solely on providing mentoring relationships for youth. Therefore this entry focuses only on those programs geared mainly toward mentoring. Throughout the United States there have been many initiatives that have established far-reaching youth mentoring programs, many of which are federally supported and targeted specifically for at-risk youth.

Federally Funded Mentoring Programs for Targeted Populations

Federal funding is the current financial support for mentoring programs throughout the United States, all of which have been allocated funds to provide mentoring services to specific populations of at-risk youth. The federal government provides funding for mentoring programs to specific populations through the several agencies, including the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention; U.S. Department of Defense/National Bureau; U.S. Department of Health and Human Services, Administration for Children and Families; U.S. Department of Education, Office of Elementary and Secondary Education/Safe and Drug Free Schools; and the U.S. Department of Justice, Federal Bureau of Investigation.

The Juvenile Mentoring Program

The Juvenile Mentoring Program is targeted toward those youth who are at risk of delinquency, gang involvement, educational failure, or dropping out of school. Agencies with juvenile mentoring programs include private, nonprofit, faith-based, and national youth service groups, for example Big Brothers Big Sisters of America (BBBSA) and Boys & Girls Clubs throughout the United States. Interested adults and high school students, who are at least 18 years old, offer their services through the Juvenile Mentoring Program. BBBSA provides school-based mentoring services that also allow for mentoring services to be provided to a youth mentee from a youth mentor. This program is school based and specifically targets schools in low-income areas.

Youth Challenge Program

The Youth Challenge Program is targeted to youth (16–18 years) who are school dropouts. This program provides youth with a residential experience and mentor services. The program outcome is to assist school dropouts to obtain their high school diplomas or GEDs or become involved in productive work, such as providing their services in the military. This is an example of a mentoring program that has been creative in developing a mentoring initiative that not only provides youth with educational attainment and mentor support but a challenge as well.

Mentoring Programs for Success

These programs support at-risk youth who live in rural areas, neighborhoods characterized by high crime, youth living in troubled households, or those experiencing educational failure. Mentoring is used to promote a healthy relationship between child and adult, to produce youth success. Program success is defined as providing a healthy adult-child friendship over a period of time.

Mentoring Children of Prisoners

Mentors for children whose parents are incarcerated work to provide youth with (a) trusting relationships, (b) messages about acceptable social behaviors, (c) positive adult guidance, (d) reinforcement for participation and advancement in school, and (e) civic involvement and community services. Mentors to children whose parent is incarcerated do not provide services for directly dealing with the loss of a parent to prison. Similar to other mentoring programs, they provide children with a positive adult friendship as a means for promoting healthy child development. Mentoring programs range in services provided, population targeted, length of program participation, and program objectives.

Benefits of Mentoring Programs

It is believed that at-risk youth benefit from mentoring programs. Research confirmed that

youth participants benefited significantly in refraining from antisocial behaviors and acts of aggression toward other children. Participants also benefited from self-confidence, which boosted their performance in school. Families benefited as well as youth participants involved in mentoring programs. Children were found to have better relations within their home environments as a result of their participation in the program.

Bahiyyah M. Muhammad

See also Children of Female Offenders; Delinquency Prevention; Evidence-Based Delinquency Prevention for Minority Youth; Faith-Based Initiatives and Delinquency; Youth Gangs, Prevention of

Further Readings

DuBois, D. L, Holloway, J. V., Valentine, J. C., & Cooper, H. (2002). Effectiveness of mentoring programs for youth: A meta-analytic review. *American Journal of Community Psychology, 30,* 157–197.

Grossman, J. B., & Tierney, J. P. (1998). Does mentoring work? An impact of the Big Brothers Big Sisters program. *Evaluation Review, 22*(3), 403–426.

Herrera, C., Grossman, J. B., Kauh, T. J., Feldman, A. F., McMaken, J., & Jucovy, L. Z. (2005). *Making a difference in schools: The Big Brothers Big Sisters school-based mentoring impact study.* Philadelphia: Private/Public Ventures.

Rhodes, J. E. (1994). Older and wiser: Mentoring relationships in childhood and adolescence. *Journal of Primary Prevention, 14,* 187–196.

Save the Children. (1999). *Overview of Save the Children's national mentoring database.* Retrieved from http://www.savethechildren.org/mentors2d.html

Methamphetamine

Methamphetamine is a drug that works as a stimulant; it causes neurotransmitters to release dopamine, serotonin, and norepinephirine. This drug has a relatively short history compared to some other drugs. Yet in this short time, methamphetamine has had a paralyzing impact on human lives, public safety, and the American economy. Methamphetamine has a sordid history in terms of its regulation and treatment, and some researchers assert that differences in the approach to methamphetamine reflect differences in racial/ethnic patterns of drug use. This entry reviews the impact of methamphetamine on individuals and society, describes regional patterns of methamphetamine use and manufacture, and examines differences in social and legal responses to methamphetamine and crack cocaine.

Medical and Social Costs

In terms of how methamphetamine is a societal problem, many indicators exist. For example, according to the National Association of Counties, 40% of out-of-home placements of children were due to methamphetamine in 2005 alone. Between 2000 and 2005, law enforcement seizures by federal or state officials of methamphetamine manufacturing laboratories affected more than 15,000 children; nearly 4,000 children were exposed to chemical toxins, and 8 children died in connection with these laboratories. During the same year, the U.S. Office of National Drug Control Policy attributed nearly 11,000 drug-related emergency room visits to methamphetamine. The medical costs associated with methamphetamine are staggering as well. Not only is methamphetamine a health issue for people never caught, it is a financial and resource drain for those convicted of methamphetamine-related charges. One example of the health issues for those convicted is that methamphetamine use impacts the health of the teeth and gums; this has been a serious issue for departments of correction across the United States in that increased medical resources have been needed to address an issue that began prior to incarceration.

Demographics

The reason that methamphetamine use has increased, or become mainstream, has to do with the ease of obtaining the needed materials to manufacture the drug. Several processes exist; the simplest one, ephedrine/red phosphorus methamphetamine, uses either ephedrine or pseudoephedrine as a precursor (i.e., an ingredient needed to create something else). An increasing issue for

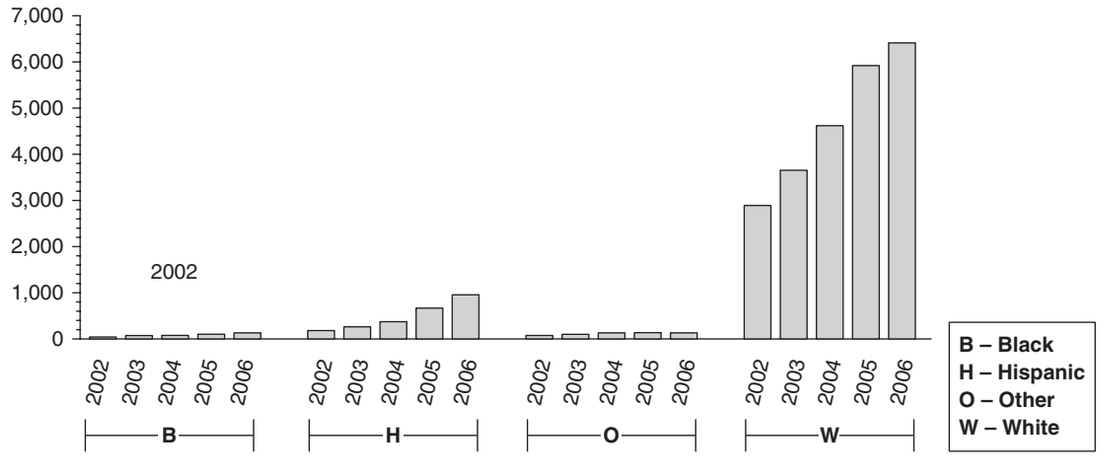


Figure 1 Methamphetamine Racial Data by Fiscal Year

Source: Texas Department of State Health Services (January 25, 2007).

pharmacies nationwide is the fact that criminals wanting to manufacture methamphetamine attempt to purchase cold medications containing pseudoephedrine. This problem for pharmacies is so extreme that many states have resorted to requiring identification to purchase these over-the-counter medications and limiting the amount that can be purchased. In response to this policy, criminals have resorted to hijacking chemical trucks carrying pseudoephedrine in order to have direct access for manufacturing. With this relative ease of access, the United States has a three-tiered methamphetamine problem. The first tier (i.e., most serious) exists in the western portion of the United States and tapers off around the Rocky Mountains. The second tier (i.e., midrange seriousness) exists in the eastern portion of the United States and tapers off around the Smoky Mountains. The third tier (i.e., lowest level of seriousness) is what some call "Middle America." According to the U.S. Substance Abuse and Mental Health Administration, the spread of methamphetamine manufacturing and use has also affected some states unusually, meaning that they are in the third tier area yet have a methamphetamine problem at the same level as either the first or second tier; Arkansas is one such state. It is important to note that in the late 1980s, Congress adopted the Chemical Diversion and Trafficking Act of 1988 (CDTA). This act was the first attempt to promote chemical company accountability to public safety officials with respect to record keeping and security of chemicals in order to reduce the diversion (i.e., illegal transfer) of said chemicals outside of what is allowed by law for legitimate purposes.

Issues Related to Race/Ethnicity

One of the realities associated with methamphetamine use is that it has historically been associated with European Americans. Figure 1 is an example of this reality along racial/ethnic lines in Texas. Nationally, this reality is changing each year as methamphetamine is used as a drug of choice, and now many African Americans and Latinos are increasing use of this drug at a significant level. Some scholars assert that the societal problems related to methamphetamine and crack cocaine (largely associated with African Americans) are similar. Researchers at the University of Arkansas at Little Rock and North Carolina Central University have examined the terminology used by politicians and the media with respect to both drugs and noted that use of each drug has been labeled "epidemic."

Similarities exist with respect to many aspects of these drugs over time. Efforts to address the

methamphetamine problem have differed from those undertaken to address the crack problem. The methamphetamine problem has existed for a longer period of time than has crack cocaine, yet efforts to address it more vigorously were not placed on the policy agenda until the problem became more mainstream and affected the cities and suburbs; these efforts are now quite heavy in some geographic areas. The policy agenda enforced mandatory minimums for crack cocaine almost instantly. More directly along racial/ethnic lines, for years there have been attempts to reduce the sentencing guidelines of 100-to-1 for federal crack cocaine convictions; all have resulted in only one substantive effort for change at the federal level (via the courts and not Congress) and virtually no effort at the state level to address the impact in terms of the high level of incarcerations of nonviolent offenders for inordinate amounts of prison time. In contrast, many states have begun efforts to address reducing sentencing for methamphetamine convictions. One defense attorney referred to the racial overtones by stating, "In 21 years of practice, I think I've had one crack defendant who was White, and I'm talking out of hundreds of defendants" (McGlone, 2007). Many researchers and advocacy groups are involved in trying to equalize how society perceives and responds to drug crime. So, while all within society should participate in addressing the public problems associated with methamphetamine, it is important and appropriate to consider how race/ethnicity are important in properly addressing these societal problems.

David R. Montague

See also Anti-Drug Abuse Acts; CIA Drug Scandal; Crack Babies; Crack Epidemic; Crack Mothers; Decriminalization of Drugs; Drug Courts; Drug Dealers; Drug Sentencing; Drug Sentencing, Federal; Drug Trafficking; Drug Treatment; Drug Use; Drug Use by Juveniles; *Kimbrough v. United States*; Mandatory Minimums; Myth of a Racist Criminal Justice System; War on Drugs; White Gangs

Further Readings

Ball, J., et al. (2005). *Drug Abuse Warning Network 2005: National estimates of drug-related emergency department visits*. Rockville, MD: Office of Applied Studies and Substance Abuse and Mental Health Services Administration. Retrieved from http://dawninfo.samhsa.gov/files/DAWN2k5ED.htm#TopOfPage

Coker, D. (2003, Fall). Foreword: Addressing the real world of racial injustice in the criminal justice system. *The Journal of Criminal Law and Criminology, 93*(4), 827–880.

Drug Enforcement Administration. (1994, October 13). *Implementation of the Domestic Chemical Diversion Control Act of 1993* (P.L. 103-200). Retrieved from https://www.erowid.org/freedom/law/federal_register/59.FR.51887.shtml

Jenkins, P. (1994). The ice age: The social construction of a drug panic. *Justice Quarterly, 11,* 7–31.

King, R. (2006, June). *The next big thing? Methamphetamine in the United States*. Retrieved from The Sentencing Project website: http://www.sentencingproject.org/Admin/Documents/publications/dp_nextbigthing_meth.pdf

Mears, B. (2007). *Justices: Judges can slash crack sentences.* Retrieved from Cable News Network website: http://www.cnn.com/2007/US/law/12/10/scotus.crack.cocaine

National Institute of Drug and Health. (2005). Methamphetamine use, abuse, and dependence: 2002, 2003, 2004. *The National Survey on Drug Use and Health Report* (1–5). Washington, DC: Author.

Office of National Drug Control Policy. (2004, March). *FY 2005 national drug control strategy: Budget summary*. Retrieved from http://www.whitehousedrugpolicy.gov/publications/policy/budgetsum04

Stanberry, A., & Montague, D. (in press). *Travesty of justice: African Americans and the politics of crack-cocaine*. Albany: SUNY Press.

Stern, S. (2006, June 5). Meth vs. crack: Different legislative approaches. *Congressional Quarterly*. Retrieved from November Coalition website: http://www.november.org/stayinfo/breaking06/Meth-Crack.html

Texas Department of State Health Services. (2007, January 25). *Methamphetamine racial data by fiscal year*. Retrieved from http://www.dshs.state.tx.us/sa/meth/MethRace.shtm

Miami Riot of 1980

The Miami, Florida, riot of 1980 was a culmination of a sequence of events that were seen by many of the city's Black residents as clear evidence of a pattern of racial bias and outright racism directed against African Americans. Although Miami, like many other American cities, had experienced racial

tensions in the past, the series of incidents that began in 1979 would lead to an eruption of violence that crippled Miami for days, leaving 18 people dead and close to 1,000 wounded. This episode did not result in the most monetary damage or the greatest number of casualties of any riot in U.S. history. It differed from previous race riots, however, in the way it began and progressed and the extent of anti-White violence that occurred.

In 1979 the climate of race relations in Miami was already somewhat fragile. Then, a series of five court cases reinforced perceptions within the Black community that African American residents of Miami could not expect fair treatment from the criminal justice system. The first case involved a man named Nathaniel Lafleur. The police raided his home looking for drugs and, in the process, beat him and his son and verbally abused them and a female friend who was present. No drugs were found; the police had raided the wrong home. The officers involved were suspended from the police department, but a grand jury did not indict the officers. The second case involved a 22-year-old Black man who was urinating outside of his car when an officer came up behind him and held a gun to his head. The gun went off; the officer first claimed that it was self-defense but then said that the gun went off by accident. The officer involved was not suspended or prosecuted for a criminal act. The third case involved an 11-year-old Black girl who was molested by a police officer in the back of his patrol car. The officer was allowed to resign before being arrested. As punishment, he was supposed to have counseling and to pay for any counseling the girl would need and to serve 3 years probation. After 4 months he was let out of counseling, and he stopped paying for his victim's counseling. Publicity surrounding the case caused it to be reopened and new charges filed, at which time the former officer left the county. The fourth case involved the first Black superintendent of schools in Dade County. He was accused of stealing plumbing fixtures from the construction site of his new vacation home. He was indicted and found guilty by an all-White jury and sentenced to 3 years in prison. All four of the cases were widely publicized and received a substantial amount of media coverage in the Miami metroplex. Although each one had an effect on the Black community, the fifth case was the most offensive.

Arthur McDuffie was a 33-year-old Black man who was chased by Miami police on the night of December 17, 1979. He was an insurance salesman and a father of two. The police chase lasted 8 minutes and involved at least 12 police cars when McDuffie stopped his motorcycle. Six to 12 officers pulled him from his motorcycle and beat him for about 3 minutes. His injuries were so severe that he died 4 days later.

In an effort to cover up the beating, officers on the scene immediately called dispatch for an ambulance, stating that the suspect had fallen off his motorcycle. The officers then vandalized McDuffie's motorcycle by hitting it with their nightsticks and ran over it with a squad car, all in an effort to cover up their actions. Officers crushed McDuffie's glasses and one officer shot his watch. Later, these actions would give rise to questions that could not be satisfactorily answered: for example, how did the motorcycle incur damage to both of its sides? A routine investigation of the accident was ordered, but could not be completed due to the quick cleanup of the officers involved with the chase. At 5:30 a.m., one of the officers at the scene admitted that McDuffie had been beaten with police flashlights.

As a result of the inconsistent accounts of that night, the commander in charge became suspicious; the Internal Review Section began questioning the officers in detail on December 17 and was not satisfied with their accounts of the incident. The state attorney, Janet Reno, was notified.

The *Miami Herald* ran its first article about the incident on December 24, 1979. On December 28, Janet Reno announced that four officers were charged with manslaughter and tampering with evidence and a fifth officer was charged with tampering with evidence and leading a coverup. Arthur McDuffie's funeral was held on December 29, and the *Miami Herald* ran a picture of his mother and the announcement of the charges against the five police officers on December 30. In response, Black newspapers and radio stations expressed anger over the charges, calling Janet Reno a racist. The consensus was that murder, not manslaughter, should be the charge. This outrage would grow again on January 1, 1980, when two of the officers were given immunity to testify against a third, whose charges were increased to second-degree murder. A protest march ensued on January 3 in

front of the county criminal justice building. This protest was carried in the national news, and coverage of the Miami case grew. Locally, coverage grew to such a point that the defense asked to move the trial out of Dade County; the judge agreed.

The trial began on March 31, 1980, with an all-White jury. During the course of the trial, the beating was recounted in horrific detail. On May 17, just before noon, a verdict of not guilty was read, and the courtroom erupted. The Associated Press wire went out at about 2:30 p.m.; most Miami stations interrupted their programming to report the verdict. By 4 p.m., 300–400 people had gathered outside a popular Black radio station, while other crowds of Blacks gathered near African Square Park, the location of the city's largest housing project. By 5 p.m., the crowds had begun throwing rocks and bottles at passing cars driven by Whites. Within the next hour, rumors had begun to circulate of a White man shooting a young Black girl; as a result the crowds grew larger. At this point, concerned for their own safety, police patrol cars left the area around African Square Park. Soon afterward, a rock struck a car driven by a White driver; the car ran off the road and struck a Black girl in the crowd. The crowd pulled the man and his two passengers from the car and beat them. By 8:15 p.m. that night, more than 3,000 Black people gathered at the metro justice building for a rally arranged by the local National Association for the Advancement of Colored People (NAACP). Later that evening, the crowd attacked the police headquarters, vandalizing and setting fire to patrol cars as well as the building itself. The crowd then broke into other state buildings to vandalize and set fire to them. Additionally, Whites who passed through the area were attacked.

It took until 10 p.m. for the police to gather enough of a force to challenge the mob; once they did, the rioters moved north, to Liberty City, and began to destroy the White-owned businesses there. At midnight, the National Guard began to arrive, and a perimeter was created around the Black area of the city with the most rioting. The rioters continued to loot and set fires for most of the night. After a lull in the early morning of May 18, looters were back out by 10 a.m. The rioting, looting, and burning continued all day and for most of the next. By midnight of May 19, it was beginning to diminish. By then, 3,000 National Guardsman had arrived and the perimeter around the looting was moving in. The situation continued to improve on May 20; the volume of 911 calls returned to normal, and there were only 10 riot-related arrests. Officially, the riot ended on May 21. On this date, the National Guard left, all of the barricades were opened, and public school classes resumed, although a curfew remained in effect for the next several days.

In the end, property loss was estimated at about $80 million and approximately 240 businesses had suffered looting and arson. Approximately another 100 businesses suffered losses in the neighboring areas of Perrine and Opa Locka. There were 18 deaths: eight White and nine Black civilians, and one police officer who had a heart attack. Unlike earlier riots across the nation in the 1960s, Whites were specifically targeted and assaulted. Additionally, the intensity of the damage was greater. The businesses that were affected suffered near-total losses, and while there was some looting, the intent apparently was to destroy property rather than to steal it.

Jennifer Hartsfield

See also Detroit Race Riot of 1967; Los Angeles Race Riot of 1965; Los Angeles Race Riots of 1992; Race Relations; Race Riots

Further Readings

Porter, B., & Dunn, M. (1984). *The Miami riot of 1980.* Lexington, MA: Heath.

Militias

Militias have long played a prominent role in American history. Following the American Revolution, these organizations of both men and women have evolved as the foundation or model for many of the anti-government movements in current society, such as the infamous Ku Klux Klan, tax protesters, White supremacists, border patrols, and even self-proclaimed state military groups. Militias have historically engaged in violent behavior toward both law enforcement and civilians, which has resulted in hundreds of deaths

over the past 2 decades and is directly fueled by their own agenda to influence the actions of the federal government.

Current militia groups in the United States are considered extremists within the right-wing movement because of their paramilitary training in arms and explosives, coupled with their strong anti-government ideology. The Anti-Defamation League estimates that there are as many as 50,000 militia members in the United States. Militia groups in American society are often varied in their motivations for assembly; ideologies range from religion to survivalism, and sometimes include White racial supremacy. A common factor that unites the militias is their defiance of—and their efforts ultimately to overthrow—the federal government, which members believe blatantly violates citizens' constitutional rights by imposing harsh taxes and infringing upon citizens' right to bear arms. This entry provides an overview of the history, ideology, description of the recent militias, and the political influence of such groups.

History

Militias first gained attention in the colonial era during the struggle for American independence from Britain in the battles of Lexington and Concord. The Articles of Confederation originally included a provision concerning militias, and in the absence of any formal military body, the U.S. Constitution continues to allow Congress to call upon militias in times of war or impending invasion. Following the American Revolution, the Constitution's Bill of Rights stated that "a well regulated militia" is "necessary to the security of a free State." Most acting militias are often seen as groups of radicalized people who are striving to depose the federal government and are preparing for this imminent battle by gathering and storing weapons and survival equipment. Many of these militias also have affiliations with White supremacist organizations or exhibit White supremacist ideologies themselves. The Ku Klux Klan at one time was considered a militia; they armed themselves both at the end of the 19th century and in the 1920s while traveling across the southern United States, harassing and murdering African Americans and civil rights sympathizers.

Ideology

The right to bear arms, detailed in the Second Amendment to the U.S. Constitution, is one of the principles militias espouse, citing American citizens' right to defend themselves against unwarranted government intrusion. Modern militias typically form and act in response to one body or event they see as encroaching on the independence and freedoms associated with being a citizen of the United States. Many different types of militia groups have emerged, fueled by a variety of ideologies. Among these, *survivalists* believe that individuals should be wholly independent of the larger economy and should be capable of protecting and sustaining themselves in the event of universal social chaos and disorder. *Religiously* or *racially motivated* groups are most frequently fueled by radicalized Christian views, often blaming the "Zionist-driven media" and government machines for government intrusions and injustices. These distinctions aside, most militia organizations engage in paramilitary training and are known to cache large quantities of weapons, ammunition, and supplies.

Militia Groups

One of the first militia groups to exist with this new anti-government mentality was the Posse Comitatus, formed in the 1980s by William Gale and Mike Beach, along with other right-wing groups such as the White supremacist White Patriot Party and the Christian Patriot Defense League. The Posse Comitatus viewed the county sheriff as the highest elected official in the county, who would form local armed units to implement those laws and regulations designated by the U.S. Constitution. This type of enforcement would allow for a designated local law enforcement body to protect and put into effect those rights guaranteed to the people by the Constitution. In the interest of preventing unlawful government intrusion, citizens would have greater power in affecting government decisions, as they could address concerns at the local level. In 1983, Gordon Kahl, a member of the Posse, became a fugitive after killing two U.S. Marshals in a shootout when they came to arrest him for parole violations. A few months later, another

confrontation ensued, and both Kahl and another law enforcement officer were killed. This conflict was only one of a string of events that preceded a resurgence of the militia groups in the United States.

Following this incident, militias became popular during the early 1990s chiefly in response to two incidents that involved federal government intrusion on anti-government activities. Randy Weaver, a radical White supremacist, was living at a home in Ruby Ridge, Idaho, with his family in 1992 when the FBI and Federal Marshals came to arrest him for refusing to pay his taxes. Shots were exchanged from both sides, resulting in the death of Weaver's wife and son. Another incident, in 1993, involved David Koresh and the Branch Davidians, an extremist, revolutionary Christian sect that resided in a compound in Waco, Texas. Various federal law enforcement agencies sent officers to the compound to conduct a search for illegal weapons the group was believed to be stockpiling. The Davidians resisted, and four federal agents were killed. The Davidians and David Koresh were holed up in the compound for the next month and a half, while the government attempted to negotiate with them. Finally, the Federal Bureau of Investigation decided to raid the property in order to end the siege in April by releasing tear gas into the buildings. Several fires broke out, and the compound was burned to the ground. Eighty-two members of the Branch Davidians, including men, women, and children, were killed in the fire.

Both of these incidents received extensive coverage by the media, and thus the mistakes and failures of the federal government were broadcast around the country. Fear of excessive government intrusion began mobilizing different militia groups around the United States, and activity slowly increased. These organizations of men and women feared that this was one sign that federal government activities were growing more invasive, which would ultimately lead to greater abuse of civil rights. As these sentiments began mounting, another occurrence added to the generalized hysteria when, in 1995, Timothy McVeigh and Terry Nichols bombed the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma, and killed 168 individuals. The two extremists declared that the attack was in response to the incidents at Ruby Ridge and Waco. While neither of these individuals were members of militia groups, they brought widespread attention to the radical movement around the country and mobilized further militias into increasing both recruitment efforts and survivalist training.

Militias during the 1990s were largely high profile due to both their presence in the media as well as their increased activity on the Internet. Group websites were dedicated to spreading militia ideologies, posting anti-government propaganda, and recruiting new members. Militias such as the Kentucky State Militia, Michigan Militia, or the Montana Freemen, a Christian patriot group, would often gather for group meetings to discuss conspiracy theories and to receive training in survivalist techniques such as building retreats, self-defense, and learning how to stockpile food and water. Also central to such gatherings was a fascination with weaponry, and members participated in arms training and other paramilitary activities. It was such behavior that U.S. government and law enforcement agencies feared would encourage many members to engage in more violent and extremist actions directed at government targets.

Militias in the United States have been re-forming and growing in membership since the attacks of September 11, 2001. Some observers have warned of a resurgence of militias in reaction against certain decisions by the current political administration. The Anti-Defamation League has reported that since 2004, various militia groups have had an increase in membership, similar to the increase of militia activity that took place in the early 1990s following the Ruby Ridge and Waco incidents.

Megan L. Gray and Stephanie Oakley

See also Anti-Defamation League; Ku Klux Klan; McVeigh, Timothy; Minutemen; Vigilantism; White Supremacists

Further Readings

Abanes, R. (1996). *American militias*. Downers Grove, IL: InterVarsity.

Anti-Defamation League. (2005). *The militia movement*. Retrieved from http://www.adl.org/learn/ext_us/Militia_M.asp?xpicked=4&item=mm

Freilich, J. D. (2003). *American militias: State-level variations in militia activities*. New York: LFB Scholarly Publishing.

George, J., & Wilcox, L. (1996). *American extremists: Militias, supremacists, klansmen, communists, and others.* Amherst, NY: Prometheus.

Pitcavage, M. (2001). Camouflage and conspiracy: The militia movement from Ruby Ridge to Y2K. *American Behavioral Scientist, 44*(6), 957–981.

Minority Group Threat

An inspection of arrest, sentencing, and incarceration statistics in the United States discloses substantial racial disparities. African Americans, in particular, are overrepresented in each of these areas. While the disproportionate representation of African Americans and other minorities is beyond dispute, explanations for this disparity are frequently debated in academic circles. One prominent explanation for the racial disparity found in criminal justice statistics utilizes a conflict perspective. According to this theoretical perspective, crime is socially defined, and the behaviors that are designated as violations of the criminal code tend to reflect the interests of the more powerful groups within society. Moreover, societal elites influence the ways in which the laws are implemented. Conflict theory therefore suggests that when relatively powerless groups in society are seen by the powerful as posing a threat to the status quo, formal social control agents may be deployed to repel these threats to the social order. Consequently, much of the racial disparity found in the criminal justice system reflects this bias, according to the conflict perspective.

In the United States, where Whites have historically wielded power over other racial/ethnic groups, it is possible to view Whites as the dominant group (or societal elite) and non-Whites as the subordinate group. An historical overview of the U.S. legal system discloses the privileged status of Whites. According to Chief Justice Roger Taney in *Dred Scott v. Sanford* (1857), under slavery African Americans "had no rights which the White man was bound to respect." Indicative of this was the legal system, which often drew distinctions between African Americans and Whites. During the antebellum period in South Carolina, for example, slaves who murdered their masters could be burned alive. Further evidence of the lowly position of the African American in early American history can be found in statutes that until 1821 classified the murder of a slave as a misdemeanor. After the Civil War, Black codes quickly replaced the slave codes, and the "separate but equal" doctrine applied to Black/White relations until *Brown v. Board of Education of Topeka* in 1954. In the postslavery South, the law continued to differentiate between African Americans and Whites. African Americans were subjected to more capital offenses than their White counterparts, while White victims continued to be more highly valued by the legal system than African American victims. The harshest penalties of the criminal justice system were typically reserved for cases involving the rape of a White woman by an African American man. In contemporary society the greater value placed on White lives is epitomized by capital trials in which homicides involving White victims are significantly more likely to elicit a death penalty response than those involving African American victims.

Borrowing from the conflict perspective, Hubert Blalock posits that perceived threat can be influenced by a fear of competition over economic resources. Thus the economic well-being of Whites may be perceived to be in jeopardy as non-Whites are better able to compete for jobs, positions, and economic resources. Blalock also argues that the White majority may perceive a threat to their political power as the proportion of non-Whites increases. This fear, in turn, heightens the probability of discriminatory behavior and leads to greater inequality. Nevertheless, the relationship between racial composition and use of social control by Whites should be curvilinear; discriminatory behavior should decline after the non-White population becomes a numerical majority, since this enables the non-White population to influence the political process that resulted in its subordination. This approach to comprehending race relations in the United States has been termed *power threat* by Blalock and *social threat* by Allen Liska. Other scholars have employed the terms *minority group threat* or *racial threat* to describe this approach.

Measuring Perceived Minority Group Threat

Measurement of perceived minority group threat is imprecise, since numerous factors may contribute

to the perceptions that groups have of one another. Empirical investigations of minority group threat theory typically employ macro-sociological approaches that compare the racial composition of an area (city, county, state) with some measure of social control within the same area. Among the dependent variables examined by researchers are police force size; arrest rates; expenditures for policing; police brutality; police use of deadly force; bail and pretrial release decisions; prosecutorial decisions; use of the death penalty; individuals' chances of incarceration; and expenditures for corrections. Other researchers have examined the theory using lynching and disenfranchisement as dependent variables.

Despite the growing accumulation of investigations of minority group threat theory, most have neglected micro-sociological variables that are implied by the theory. Although the response by the dominant White group is assumed to be related to the *perceived* threat posed by the non-White group, an increase in the size of the non-White population does not necessarily raise the level of perceived threat. To address this possibility, some researchers have examined other potentially relevant factors (e.g., race relations in the area, degree of racial segregation) that might affect the perception of racial threat. Nonetheless, few studies have actually employed micro-sociological variables to rigorously test the assumptions of the theory.

Impact of Perceived Minority Group Threat on Social Control

Empirical investigations of this theory suggest that the impact of perceived minority group threat on social control may vary depending on the circumstances. Of particular interest is the notion that the percentage of non-White residents does not affect the use of agents of social control until it exceeds some threshold. Stated somewhat differently, a relatively small percentage of non-Whites may not be perceived as threatening by the White status quo. Accordingly, measures of social control should be unrelated to non-White increases as long as these increases do not exceed that threshold. Examining these notions empirically, some researchers have hypothesized that minority populations may be perceived as threatening to Whites once they represent approximately 10% of the population. Because studies frequently examine cities with larger minority populations, however, this proposition remains largely untested.

Additionally, some researchers have posited that the size of the city affects the proposed relationship between percentage of minority residents and use of the social control apparatus. These investigators contend that race relations in smaller cities may be qualitatively different from those characterizing larger cities. Given the group dynamics of smaller cities, it is typically suggested that when cities are small, inhabitants know one another more intimately and the perception of minority group threat is consequently less prominent. Despite its intuitive appeal, the impact of city size on the racial composition/social control relationship remains unknown.

The impact of perceived minority group threat on social control may also be mediated by historical antecedents. In particular, race relations specific to a region may influence the proposed relationship between racial composition and social control. An investigation using Standard Metropolitan Statistical Areas as the unit of analysis revealed a positive relationship between the percentage of African American inhabitants and per capita police detectives in 1970, after the urban riots of the 1960s, whereas data prior to the civil unrest failed to disclose an empirical relationship between racial composition and per capita police detectives.

It is also conceivable that different minority groups may vary in the degree to which they are perceived as threatening to the White status quo. This possibility was raised in an investigation of 74 police precincts in New York City during three time periods from 1975 to 1992. The researcher found that the effect of the size of the minority group on police deployment varied by minority group. In this study, the percentage of Latina/o residents was related to police deployment, whereas the percentage of African American residents was not. When Latinos accounted for at least 23% of the precinct population, increases in the Latina/o population were accompanied by increases in police deployment. In explaining this apparent anomaly, the researcher analyzed demographic changes in each precinct. Because African Americans became more concentrated within a

declining number of precincts during this time frame, the investigator speculated that they were perceived by the police as being "under control." In contrast, the Latina/o population that had grown in size across precincts represented a greater threat that necessitated increased deployment of police. Although this finding suggests an important qualifier to the theory, more research is needed before definitive conclusions can be drawn.

Another potential qualification of the broader theoretical perspective involves the level of racial segregation. It has been speculated that the segregation of non-Whites from Whites diminishes the level of perceived threat by the White majority. Conversely, in an integrated community where Whites and non-Whites come into more frequent contact with one another, the growing presence of the non-White population may be more likely to elicit feelings of threat among the White population. Although inadequately tested in the scholarly research, one major study of large U.S. cities over three census periods found that segregated cities with larger African American populations had smaller police departments than their more integrated counterparts.

Conclusion

Empirical investigations of minority group threat theory have been inconclusive and sometimes contradictory. Numerous factors may be responsible for the mixed results found in the literature, including differences in analytical strategies employed, differences in time periods examined, use of different units of analysis, and use of different control variables. Also contributing to the mixed support is the frequent reliance on a single measure of minority group threat, typically the percentage of African Americans in the population. The use of an aggregate measure of minority group threat is particularly problematic given that the theory suggests the need to measure *perceived* minority group threat which may or may not possess a direct linear relationship with minority population size. Ethnographic research, such as that conducted by William Julius Wilson and Richard P. Taub in their investigation of four Chicago communities that had undergone racial/ethnic transition, would facilitate our understanding of this micro-sociological process. At the macro-sociological level, both political and economic measures as suggested by Blalock's version of this theory should be more thoroughly investigated.

A final caveat bearing on this theoretical perspective should be noted. Although minority group threat theory posits that social control measures are used by the White majority to control "threatening" non-White populations, the perspective does not specify the extensiveness of the social control process. Future research that would enhance our understanding of this perspective should focus on the informal methods of social control utilized by the dominant group to maintain control over the subordinate group. Additionally, future studies should ascertain the extent to which various formal social control measures are employed by the dominant group to keep the minority population in check.

Marvin D. Free, Jr.

See also Conflict Theory; Critical Race Theory; Disproportionate Arrests; Disproportionate Incarceration; Institutional Racism; Myth of a Racist Criminal Justice System; Race Relations; Racialization of Crime; Sentencing Disparities, African Americans; Sentencing Disparities, Latina/o/s

Further Readings

Crawford, C., Chiricos, T., & Kleck, G. (1998). Race, racial threat, and sentencing of habitual offenders. *Criminology, 36,* 481–511.

Free, M. D., Jr. (2005). Prosecutorial decision making and minority group threat theory. *Criminal Justice Studies, 18,* 7–28.

Jacobs, D., & Carmichael, J. T. (2004). Ideology, social threat, and the death sentence: Capital sentences across time and space. *Social Forces, 83,* 249–278.

Kent, S. L., & Jacobs, D. (2005). Minority threat and police strength from 1980 to 2000: A fixed-effects analysis of nonlinear and interactive effects in large U.S. cities. *Criminology, 43,* 731–760.

King, R. D., & Wheelock, D. (2007). Group threat and social control: Race, perceptions of minorities and the desire to punish. *Social Forces, 85,* 1255–1280.

Parker, K. F., Stults, B. J., & Rice, S. K. (2005). Racial threat, concentrated disadvantage and social control: Considering the macro-level sources of variation in arrests. *Criminology, 43,* 1111–1134.

Sharp, E. B. (2006). Policing urban America: A new look at the politics of agency size. *Social Science Quarterly, 87,* 291–307.

Stolzenberg, L., D'Alessio, S., & Eitle, D. (2004). A multilevel test of racial threat theory. *Criminology, 42,* 673–698.

Wilson, W. J., & Taub, R. P. (2006). *There goes the neighborhood: Racial, ethnic, and class tensions in four Chicago neighborhoods and their meaning for America*. New York: Knopf.

Minutemen

Historically, the term *minutemen* originally referred to those individuals who took up arms against the increasing presence of British soldiers in the American colonies. During the American Revolution, these men formed a portion of the Massachusetts militia that was ready to fight at a moment's notice; hence the name "minutemen." Nowadays, individuals calling themselves Minutemen have organized in opposition to the movement of undocumented immigrants into the United States. This entry examines the nature and scope of this controversial recent movement.

Minuteman Project

The Minutemen formed in response to the presence of illegal immigrants in the United States and the increasing demonstrations by various immigrant groups demanding residency and citizenship rights. According to the Center for American Progress, as of May 2007, there are 11.1 million undocumented migrants residing in this country. Most of these undocumented workers are Hispanic/Latina/o and live in the southwestern United States. Since the beginning of the 21st century, increasing media and political attention has focused on this issue, and in response, restrictive legislation has been proposed and in some cases enacted by state and local governmnents, further attracting the attention of American society. In October 2004, Jim Gilchrist created the Minuteman Project in Aliso Viejo, California. The project is a nonprofit organization consisting of volunteers whose activities include border watches, rallies, and fundraising. Funding is derived from donations, membership fees, and the selling of Minutemen paraphernalia such as T-shirts, hats, and flags. This organization consists of a national board of directors with chapters located throughout the country. The project has chapters positioned at both the state and local levels, with chapter leaders in each division.

Membership grew rapidly over the first year, as some citizens recognized an outlet for their frustrations over the rise of illegal immigration. These members participate in protests, fundraising, and border patrols. According to the group's website, members often carry firearms, binoculars, flashlights, and radios while on patrol, and if apparent illegal immigrant activity is observed, they contact local or federal authorities. While this movement continued to grow steadily, some members became displeased with the way that Gilchrist was structuring the group and organizing their labors. In 2005, Chris Simcox, a cofounder of the original Minutemen Project, decided to break with the project and form a new group, the Minutemen Civil Defense Corps (MCDC).

Minutemen Civil Defense Corps

The MCDC, in contrast to the project, is frequently involved in armed border patrols, resulting in a more extreme militia group of minutemen. They are also involved in the Border Fence Project with other anti-illegal immigration groups, such as Ranch Rescue. Construction of the 700-mile fence began in 2006 and is currently being built in Arizona along the U.S.–Mexico border to help deter illegal crossings. The groups have also installed surveillance equipment along the fence to monitor a greater distance along the border, which requires fewer workers to patrol. Simcox prescribes that the surveillance system will be easily accessible from home computers to monitor and report any suspicious activity without the individual having to be at the actual location. The group actively promotes communication between MCDC members and border patrol agents reporting immigration violations.

While border patrol is a major function of the group, the MCDC is also involved in regular protests of undocumented workers, in which altercations with counter-protesters are not unusual. This group's structure and funding are similar to those

of the Minuteman Project. Attempting to appear as a paramilitary group, the organization has an application process for prospective members, and a training manual is available online. The manual includes instructions on the proper use of radios and describes appropriate etiquette among volunteers and with other individuals encountered during group functions. The MCDC claim that they do not interact with illegal border crossers; they simply report suspicious or illegal activities they observe and let the border patrol take control of the investigations and arrests. However, it is common for MCDC to often carry firearms while on border watch. The MCDC will waive its volunteer registration fee if the prospective member has a license to carry a concealed weapon.

Politics

Both groups, the MCDC and the project, have become more involved in politics to promote their views against undocumented immigrants. Backed by Tom Tancredo, a House representative from Colorado, the project continues to gain attention and support from citizens around the country. Along with Tancredo, both Jim Gilchrist and Chris Simcox have dedicated time to speaking at colleges and various community events around the country to garner support and recruit new members. With the onset of his new political career, Jim Gilchrist was ousted from the Minuteman Project by board members for accusations of embezzlement during the spring of 2007. After failing to successfully sue the organization in a California court in response to the allegations, Gilchrist officially left the group and went on to form Jim Gilchrist's Minuteman Project. Problems with leadership are not the only troubles these minutemen face; criticisms from other groups are sometimes brutal.

Criticisms and Trends

The Minutemen groups' efforts are focused chiefly on the U.S. southern border and on Hispanic immigrants crossing into the United States from Mexico. Minutemen groups have continually been labeled as racist organizations by the media, various politicians, and pro-immigrant groups across the country for their conservative stance on illegal immigration. Support for their movement has been provided by members of neo-Nazi and White supremacist groups. According to the Southern Poverty Law Center, their mission has been defended by groups such as the Ku Klux Klan and Aryan Nations, and they have been affiliated with the National Alliance, in addition to various other groups that target minorities. Associations also include numerous border patrol and anti-illegal immigration groups, such as Save Our State and the San Diego Minutemen, and other local groups that often rally at day labor sites and collect information on employers and employees to protest the endorsement of illegal workers in the United States. Members of these groups have also been known to film, photograph, and confront citizens who pick up immigrants from these sites. Heated protests have led to scuffles and the use of pepper spray by members and counter-protesters. MCDC has also been criticized for being connected to acts of vandalism at immigrant camps and with various armed assaults against alleged undocumented workers. Some members of these organizations are viewed as unstable individuals who are willing to engage in violence, threats, and Mexican flag burnings in protest.

As the immigration controversy continues to grow and public opinion has become increasingly divided, Minutemen groups are becoming more politically active, focusing on current and future legislation intended to curb illegal immigration. Local chapters unable to participate in border watches are encouraged to contribute by reporting immigration violations to authorities. Notwithstanding charges of racism from civil rights organizations such as the Southern Poverty Law Center and the American Civil Liberties Union, MCDC officials report that membership in the corps nationwide now exceeds 9,000, and the numbers continue to increase.

Megan L. Gray and Stephanie Oakley

See also Alienation; Deportation; Immigrants and Crime; Immigration Legislation; Immigration Policy; Latina/o/s; Militias; Victimization, Latina/o; Vigilantism

Further Readings

Anti-Defamation League. (2006, May 23). *Extremists declare "open season" on immigrants: Hispanics target of incitement and violence.* Retrieved

November 19, 2008, from http://www.adl.org/main_Extremism/immigration_extremists.htm

Anti-Defamation League. (2008). *The Minutemen.* Retrieved November 19, 2008, from http://www.adl.org/Extremism/minutemen.asp

Gilchrist, J., & Corsi, J. R. (2006). *Minutemen: The battle to secure America's borders.* Los Angeles: World Ahead Media.

Southern Poverty Law Center. (2005, April 22). *Nazis, racists join Minutemen Project.* Retrieved November 19, 2008, from http://www.splcenter.org/intel/news/item.jsp?aid=13

Miranda v. Arizona

The 1966 case of *Miranda v. Arizona,* 384 U.S. 436, has remained at the forefront of legal discussion and has become a benchmark for violations of the Fifth, Sixth, and Fourteenth Amendments to the U.S. Constitution. *Miranda v. Arizona* has been immortalized through the adaptation of *Miranda* warnings required to be given by law enforcement officers before taking an individual into custody for questioning. *Miranda* warnings provide that "you have the right to remain silent, that anything you say can and will be used against you in a court of law; that you may request the presence of an attorney, either retained by you or appointed by the court; and that you have the right, even after beginning to answer questions, to stop answering or request an attorney."

One significant problem that has arisen concerning *Miranda* warnings is the language in which they are given to suspects taken into custody. Ultimately, if a suspect does not understand his or her rights, he or she cannot intelligently waive those rights. The following sections describe the case of *Miranda v. Arizona* and discuss how language barriers impede understanding of *Miranda* warnings.

Case History Prior to *Miranda v. Arizona*

Prior to *Miranda v. Arizona,* the U.S. Supreme Court, then headed by Chief Justice Earl Warren, applied the due process voluntariness test in cases requiring regulation of police interrogation practices. The Court derived this test from a common-law rule that prohibited the use of involuntary confessions at trial. The Court's move toward protecting citizens from the perceived harm of police interrogation involved two cases: *Messiah v. United States,* 377 U.S. 201 (1964), and *Escobedo v. Illinois,* 378 U.S. 478 (1964). In the case of *Messiah,* the Court mandated that any incriminating statements deliberately elicited from an indicted accused in the absence of counsel must be excluded. This was an important, yet limited, decision by the Court in that most police interrogations occur before the indictment phase begins. In *Escobedo,* the Court further applied the Sixth Amendment protections to preindictment interrogation. Although the *Escobedo* decision was significant, its exact scope was ambiguous, causing confusion and generating a heated debate between legal analysts at the time. In order to clarify the ambiguity of the *Escobedo* decision, the U.S. Supreme Court accepted four cases for review, including *Miranda v. Arizona.*

Miranda v. Arizona

In 1965 the U.S. Supreme Court granted certiorari in four cases, *Vignera v. New York,* 384 U.S. 436 (1966), *Westover v. United States,* 384 U.S. 436 (1966), *California v. Stewart,* 384 U.S. 436 (1966), and *Miranda v. Arizona,* 384 U.S. 436 (1966). The Court granted certiorari to evaluate whether the four defendants' Fifth Amendment rights were violated by the admission of their confessions at trial, as well as to provide concrete constitutional guidelines for law enforcement agencies and courts to follow. All four cases began with similar circumstances in that the petitioners had been taken into custody and interrogated without being informed of their right to an attorney.

The case of *Miranda v. Arizona* began on the morning of March 13, 1963, when Ernesto Miranda, a poor Mexican immigrant with a prior criminal record, was taken by police to the station house, accused of the rape and kidnapping of an 18-year-old woman. Police placed Miranda in a lineup before the crime victim and interrogated him for more than 2 hours in an interrogation room. Eventually, Miranda confessed to the rape and kidnapping as well as to the robbery of a bank worker. Miranda signed a written confession typed by police that was later used against him at the

trial in which a jury convicted him of kidnapping and rape. Miranda was sentenced to 20–30 years of imprisonment on each count, the sentences to run concurrently.

Miranda's lawyers appealed his conviction, arguing that he did not know he was protected from making self-incriminating statements by the Fifth Amendment. On appeal, the Arizona Supreme Court affirmed Miranda's conviction emphasizing that Miranda never specifically requested counsel and holding that Miranda's constitutional rights were not violated. The U.S. Supreme Court reversed the Arizona Supreme Court's decision, holding that Miranda was not in any way informed of his right to counsel or his right against self-incrimination, therefore making his confession and subsequent conviction invalid. The Court decided the other three cases similarly, reversing the convictions of Vignera and Westover and affirming the acquittal of Stewart by the California Supreme Court.

In collectively deciding these cases as such, the U.S. Supreme Court further established that accused persons, prior to indictment, are afforded Fifth, Sixth, and Fourteenth Amendment protections. The Court also stated that unless adequate protective devices are established to shield a suspect from the pressures of police interrogation, such interrogation will be invalid, and that in the absence of other safeguards, interrogations will be considered invalid unless police inform suspects of four rights, including the right to remain silent and the right to have an attorney present during interrogation. Additionally, interrogations will be invalid unless the suspect voluntarily and intelligently waives those rights. By establishing the now well-known *Miranda* warnings and waiver, the U.S. Supreme Court created what some refer to as the most important constitutional guidelines for police seeking to interrogate suspects.

Impact of *Miranda v. Arizona*

Following the Supreme Court's decision in *Miranda v. Arizona,* a great debate ensued between those claiming such warnings would hinder law enforcement and those vested in protecting individual rights against governmental interests. Courts of criminal procedure are faced with discerning the admissibility of evidence due to the restrictions placed on law enforcement officers in obtaining incriminating statements as well as physical evidence gathered from such statements given by suspects. Research conducted during the 1960s and 1970s, however, demonstrated that *Miranda* had proved to cause little difficulty for police in their pursuit to solve crimes. Empirical studies in the 1990s found that a majority of suspects waive their *Miranda* rights and choose to make some kind of statement to the police.

Although the *Miranda* warnings were groundbreaking at their onset, many feel that the warnings do not provide adequate protection in cases of abusive or overreaching interrogation practices. Mere awareness of one's rights does not ensure understanding or provide a suspect with the means to counter coercive interrogation practices utilized by law enforcement. According to legal analysts, there are two significant limitations to *Miranda*. When a suspect waives his or her rights and is subjected to police interrogation, *Miranda* (1) fails to address the problem of inadequate fact finding in interrogation cases and (2) fails to provide guidelines or restrictions on police interrogation methods that are likely to produce untrustworthy statements. Once a suspect waives his or her *Miranda* rights, law enforcement need only be concerned if the suspect later invokes his or her right to have an attorney present.

The Language of *Miranda*

Many cases have followed *Miranda* in which courts have had to reevaluate the way that *Miranda* protections are given by law enforcement. One issue that has surfaced is whether or not individuals given the *Miranda* warnings actually understand their rights and therefore whether they can knowingly and intelligently waive those rights. As per *Miranda,* a wavier is "valid only if it is made knowingly, voluntarily, and intelligently." In the case of *Moran v. Burbine,* 475 U.S. 412, 421 (1986), the Court stated that a waiver is knowing and intelligent if it is "made with full awareness of both the nature of the right being abandoned and the consequences of the decision to abandon it." Due to this, the courts have seen many cases where defective intelligence, language differences, and the lack of hearing ability have

been raised as reasons why *Miranda* warnings were not understood and therefore not knowingly and intelligently waived.

The U.S. encompasses a very diverse population. Not every individual residing in the United States today speaks or understands the English language. For example, there are thousands of Hispanic individuals across the nation whose primary language is Spanish. Law enforcement agencies have attempted to adapt to Spanish speakers by hiring bilingual officers, teaching their English-speaking officers Spanish, and by creating cards with translated *Miranda* warnings that the officers carry with them when on duty. Even with these efforts, courts have seen the issue of language raised as pertains to the suppression of statements and confessions. In the case of *U.S. v. Hernandez,* 913 F. 2d 1506, 1510 (10th Cir. 1990), the appeals court acknowledged that "language barriers may inhibit a suspect's ability to knowingly and intelligently waive his *Miranda* rights." Further, in the case of *People v. Aguilar-Ramos,* 86 P.3d 397 (Colo. 2004), the Colorado Supreme Court held that mistranslated *Miranda* warnings are grounds for the suppression of statements made during interrogation because the defendant could not have knowingly and intelligently waived his rights.

The U.S. Supreme Court's *Miranda* decision has had far-reaching effects beyond most people's expectations when the case was decided in the 1960s. Issues, such as unconstitutional interrogation practices and the language barriers faced by some law enforcement officers, are still arising today and, if the past is any indication, will continue to appear in the future. It will be up to the courts to establish what future acts constitute *Miranda* violations, and only time will reveal how *Miranda* will continue to impact criminal justice agencies and U.S. citizens who come under the purview of the criminal justice system.

Ashley G. Blackburn

See also *Escobedo v. Illinois*; Latina/o/s; *Mapp v. Ohio*; Police Accountability

Further Readings

Brière, E. (1978). Limited English speakers and their *Miranda* rights. *TESOL Quarterly, 12,* 235–245.

Cassell, P., & Hayman, B. (1996). Police interrogation in the 1990s: An empirical study of the effects of *Miranda. UCLA Law Review, 43,* 839.

Leo, R., & Thomas, G., III. (1998). *The* Miranda *debate: Law, justice, and policing.* Boston: Northeastern University Press.

Stuart, G. (2004). *Miranda: The story of America's right to remain silent.* Tucson: University of Arizona Press.

White, W. (2001). *Miranda's waning protections: Police interrogation practices after* Dickerson. Ann Arbor: University of Michigan Press.

Missouri v. Celia, a Slave

A Black slave woman, Celia (no known last name), was approximately 14 years old when Robert Newsom bought her in 1850 as a slave for his Missouri farm. After several years of being raped repeatedly by Newsom, Celia killed him, was convicted of murder, and hanged. Her trial and execution illustrate the limited rights available to female slaves and the way in which the criminal justice system of the time left them with little protection against abusive masters.

There is little doubt that Newsom raped Celia on the way home from the sale, and he continued this behavior in the years that followed. At the farm, Celia was separated from the five male slaves Newsom owned and given her own cabin located close behind the main house. Within a few years, Celia had two children who were fathered by Newsom. Around February 1855, Celia became pregnant again. During this time she was involved with George, another slave on Newsom's farm. According to interviews presented during trial testimony, the following occurred: George thought the child was his and wanted Celia to put an end to Newsom's visits. Newsom entered Celia's cabin on the evening of June 23, 1855, despite Celia's telling him earlier in the day that she didn't want him visiting any more. As Newsom continued approaching her, Celia claimed she was protecting herself against him and his sexual advances when she struck him twice with a stick. Realizing she had killed him, Celia burned his body in her fireplace and had the remaining bones and buttons buried. On December 22 of the same year, having been convicted of murder, Celia was hanged.

As a Black female slave, Celia's rights within the existing laws were exceedingly limited. The following is a brief synopsis of Celia's trial and appeal. At the time of the incident, strong pre-war activities between pro- and antislavery activists in the bordering states of Missouri and Kansas were taking place. It is certain that these uprisings led to politically motivated court decisions. Additionally, the *Dred Scott* case had just been decided, in which the Missouri Supreme Court reversed a prior ruling concerning free slaves. This did not add favor to Celia's case. In essence, Celia's story reflects a denial of laws and dignity for slaves.

At the time Newsom acquired Celia, he was 60 years old. His wife had died the year before; his two sons were married and lived elsewhere. His two grown daughters lived with him on the property the family had acquired in Callaway County in 1822 after traveling from their former home in Virginia.

It would have been highly inappropriate for George to confront Newsom regarding his involvement with Celia. It might have meant his own death, because Newsom would likely have interpreted that George was trying to overstep his master. Moreover, according to slave law, marriages between slaves were not acknowledged, and any offspring of any female slave were the property of the master, even if the female slave left that master's ownership. Hence, female slaves were valuable by virtue of the children they were to bear.

On June 24, around breakfast time, Newsom's daughters concluded their father was missing and instituted a search. Questioned several times, Celia finally admitted what had happened and claimed that she only meant to hurt him, not kill him. Both the inquest jury and trial jury consisted of all White men. Celia's 2-day trial started on October 9, 1855. Celia was prohibited from testifying because she was a slave, and to do so would put the word of a female slave against her White master, which was unthinkable within the laws. Had it been allowed, her testimony would have brought forward that Celia was a minor when Newsom began to rape her.

However, slave law also held that rape by a master was virtually impossible; a sexual assault of a slave was considered more of a trespass. Because a female slave was a master's property, it was impossible for an owner to be viewed as trespassing property owned by himself. And even though a wife could not allege being raped by her husband, Missouri code held that any woman could allege being raped by a man. However, "any woman" referred to White women, though Celia's attorney tried using the defense that Celia fit into the category of "any woman." Another defense was that slaves were lawfully allowed to use self-defense against a master if they felt their life was being threatened. However, these defenses and other defenses of motive were objected to by the prosecution and struck down by the judge. Likewise, they were rejected as jury instructions. Basically, the jury was asked to consider only the narrow question of whether Celia killed her master.

Celia's execution by hanging was scheduled for November 16. Her attorney attempted to have the case retried on the basis of trial error, but the trial judge denied the motion. The only option was to appeal for retrial and delay the hanging. Celia escaped for about 3 weeks, but she reappeared in jail after the November hanging date. Celia's court-appointed lawyer seemed genuinely concerned that Celia be given every benefit. During Celia's absence, his unique application via personal letter to one state supreme court justice resulted in Celia's case being reviewed by the three-judge panel. However, the appeal for retrial was denied in an abrupt two-paragraph decision.

Throughout the trial and afterward, Celia never faltered in her claim that she had carried out the crime alone. Although it was asked during trial (but objected to and penned out of the court record), the question remains unanswered as to how Celia, pregnant and sickly, could accomplish getting Newsom's body to the fireplace and burning it in the course of the overnight time span, considering also that her two children were in her cabin.

The location of the remains of Celia's body is unrecorded. Her two children are unaccounted for as well, though one of them may have been sent to Newsom's older son. Official payment records disclose Celia's third child was delivered stillborn by a county doctor, presumably during the time she was jailed. Had Celia been allowed to testify about her motives and circumstances of the crime, her death sentence might have been lifted.

Diane Cismowski

See also African Americans; Death Penalty; *Dred Scott* Case; Interracial Crime

Further Readings

McLaurin, M. (2002). *Celia, a slave*. New York: Perennial HarperCollins.

State of Missouri versus Celia, a Slave. File 4496, Callaway County Court, October Term, 1855. Callaway County Courthouse, Fulton, MO.

Model Minorities

The phrase *model minority stereotype* is used in the social sciences to describe a racial minority group that has excelled in the United States despite prejudice and discrimination. Specifically, this stereotype has become synonymous with the Asian American population. Although there are no standard model minority traits, characteristics include a strong work ethic, educational achievement, and economic success. In addition to these traits, the model minority stereotype also highlights the low involvement of Asian Americans in criminal activities. Asian Americans have maintained this role in criminology, because as a group they have significantly lower crime and incarceration rates than other racial minority groups. Adversely, the model minority stereotype has led to resentment toward Asian Americans by other minority groups. The attention drawn toward crimes against Asian Americans tends to eclipse the occurrence of any crimes committed by this population. Over time, the model minority stereotype has resulted in the creation of unrealistic standards and social and psychological pressures among the Asian American population. This entry examines the history of the model minority stereotype, as well as the characteristics of and problems with such stereotypes.

Origin of Model Minority Stereotype

Coined in 1966 by the sociologist William Peterson, the expression "model minority" was first presented in *The New York Times* to highlight the upward mobility and success of the Asian American population in the United States. Peterson suggested that the Japanese culture's strong emphasis on work and education prevents Japanese immigrants and their offspring from becoming American's problem. Therefore, Asians, such as Japanese Americans, are able to succeed and overcome racial discrimination. This image was gradually generated in response to the civil rights movement, portraying Asian Americans as having succeeded in the United States through hard work and merit. The model minority stereotype spotlights the success of Asian Americans, consequently understating the prevalence of racism against them and other minority groups.

Characteristics of the Model Minority

The model minority stereotype is a multifaceted myth that is viewed from various perspectives. The characterization of the model minority image created a new set of stereotypes that was used to capture the achievements of the Asian American population. Many social scientists attribute the model minority labeling of Asian Americans to their strong work ethic and educational achievement. Others deem this image to be related to the continuing objectification, the "outsider within," and victim images that Asian Americans have maintained throughout American history.

Asian Americans have filled labor pools in agriculture, low-skill jobs, technical and professional fields. As a whole, they have the second lowest poverty rate, the greatest proportion of immigrants who become U.S. citizens, the highest median family income, and lower crime rates than other minority groups. These factors all contribute to the ability of Asian Americans to succeed and aid in the perpetuation of unrealistic standards that constitute the model minority stereotype.

Stereotypical images of Asian Americans are conveyed through the mass media and primarily depict them excelling academically, socially, and economically in spite of adverse conditions. This portrait suggests that the characteristics of this particular racial group should serve as an example to other minority groups. Despite the positive association, it can be misleading and foster disproportionate and unrealistic standards for Asian Americans and other minority groups. The model minority image also eclipses the accounts of major crime, youth gang activities, prostitution, and drug extortion committed by Asian Americans in larger cities. Asian Americans who live in large, crowded cities have more barriers that make it

difficult to achieve the unrealistic model minority success. Therefore, many who live in crowded areas tend to find other means of achieving success through gangs and criminal involvement.

Problems of the Model Minority Stereotype

The media often depict Asian Americans as the image of success, portraying them as technologically advanced, highly educated, and hardworking. Historically, however, Asian American immigrants have been subject to prejudice and economic exploitation. For example, the notion of the "yellow peril" was circulated in California in the 1870s following an influx of Chinese immigrant laborers, reflecting the resentment by White working-class laborers competing for jobs against Asian Americans and fueling anti-Chinese discrimination in employment, housing, and elsewhere. These and similar efforts led to the national Chinese Exclusion Act of 1882 that prohibited further immigration from China and prevented legal residents of Chinese origin from becoming citizens. Today, Asian Americans still encounter resistance and discrimination, but because many have middle-class backgrounds and job skills, adjustment has been relatively less problematic. Unfortunately, the model minority image makes it difficult to identify the hardships and discrimination that Asian Americans have faced throughout U.S. history.

Similar to negative stereotypes, those positive traits incorporated in the model minority stereotype negatively affect the Asian American population and leave little room for ethnic differences. For example, as with other racial groups, the Asian American population consists of a variety of ethnicities. The model minority image reflects the success primarily of Japanese, Chinese, and Korean Americans and draws less attention to the disproportionate representation of Vietnamese, Filipino, and Laotian ethnic groups within the Asian American population. Many of these groups face problems of language barriers impeding social interaction with the general populace, difficulty adjusting from a rural to an urban society, and economic exploitation.

The model minority stereotype places enormous pressure on Asian American youth to excel and to conform to the expectation that Asian Americans are disciplined, quiet, and intelligent. Many are also expected to enter the technical and professional occupations. The pressure to conform to both Asian family norms and the norms of the society at large can lead to frustration and confusion. Expectations for high achievement create societal pressure whose consequences have at times included not only the rejection of Asian American youth by their peers but also a rise in depression and suicide among Asian American youth.

Such rejection, and the inability to conform to the model minority stereotype, is also related to the recent growing number of Asian American youth gangs and criminal activities in large cities and Chinatowns. Although the existence of Asian American gangs dates back to the 1800s, these earlier gangs were a way for early immigrants to adapt to their new environment and overcome hardships through mutual reliance. Today, such gangs offer Asian American youth a way to cope with contemporary societal pressures. They also serve as an alternative means of gaining respect, status, and independence. Negatively, youth gangs are the sources for criminal activity and violence. Asian American youth gang members participate in drugs, sex, prostitution, sexual violence, theft, robbery, and other illicit acts. The growth of gangs in New York City, Los Angeles, and San Francisco has resulted in an increase of gang-related homicides within the Asian American community. These gangs are also the source of violence toward Asian American families and of fear in Asian American neighborhoods.

The problem-free model minority image of Asian Americans has also given rise to controversy, ethnoviolence, and hate crimes against Asian Americans from other racial groups. Asian Americans are often viewed as victims of hate crimes and out-group victimization. For example, the incidence of violent crimes increased 57% from 1998 to 1999 cross-nationally. The Los Angeles riots of May 1992 prompted the destruction of Korean-owned stores by African American neighborhood residents. During that period, these patterns suggested a rise of hate crime against Asian American across the United States.

LaSheila S. Yates

See also Asian Americans

Further Readings

Chin, A. (2001, April). *Origins*. Retrieved from http://www.modelminority.com/article72.html

Jang, S. J., Messner, S. F., & South S. J. (1991). Predictors of interracial homicide victimization for Asian Americans: A macrostructural opportunity perspective. *Sociological Perspectives, 34*, 1–19.

Marger, M. N. (1991). *Race and ethnic relations: American and global perspective* (2nd ed.). Belmont, CA: Wadsworth.

National Commission on Asian American and Pacific Islander Research in Education. (2008). *Asian Americans and Pacific Islanders: Facts, not fiction: Setting the record straight*. New York: College Board. Retrieved from http://professionals.collegeboard.com/profdownload/08-0608-AAPI.pdf

Parrillo, V. N. (2006). *Strangers to these shores: Race and ethnic relations in the United States* (8th ed.). Boston: Allyn & Bacon.

Wong, P., Lai, C. F., Nagasawa, R., & Lin, T. (1998). Asian Americans as a model minority: Self-perceptions and perceptions by other racial groups. *Sociological Perspectives, 41*, 95–118.

Mollen Commission

Two decades after the seminal report of the Knapp Commission, New York City Mayor David N. Dinkins issued an Executive Order in July 1992 to establish the Commission to Investigate Allegations of Police Corruption and the Anti-Corruption Procedures of the Police Department. The commission—which was commonly known as the Mollen Commission, in recognition of its chair, Milton Mollen—was given a threefold mandate: to investigate the nature and extent of corruption in the New York Police Department; to evaluate the department's procedures for preventing and detecting corruption; and to recommend changes and improvements in those procedures.

The commission categorized patterns of corruption as corruption for profit, corruption for power, and corruption for "street" law enforcement purposes. To a great extent, the victims of police corruption are the many law-abiding people who reside in the densely populated, drug-ridden, high-crime police precincts within the city that foster patterns of police corruption. Since these areas are the neighborhoods where many people of color live, the ramifications of police corruption as it relates to race and crime are profound.

The State of Modern Police Corruption

The Commission's Investigations

The commission based its findings on field investigations, on analysis of patterns of corruption complaints, and by developing cooperation from numerous corrupt police officers. They discovered that past beliefs that corrupt officers would not turn on fellow officers or cooperate with corruption investigations were wrong. Officers were often eager to cooperate and assist prosecutors in exchange for leniency against them.

The New Nature of Corruption

The commission determined that most police corruption in New York City arises from the drug trade. Much drug-related police corruption in the city is traced to the explosion of the cocaine and crack trade, which created opportunities for corrupt police officers and criminals to profit from each other. Previously it was thought that most drug-related police corruption involved corrupt police officers stealing from drug dealers. The commission, however, learned that additionally, much drug-related police corruption involved officers using their authority as law enforcement officers to allow open-air drug markets to flourish in the city. In this way, the commission concluded that today's corruption involves police officers using their police powers actively to assist, facilitate, and strengthen the drug trade in New York City. The commission determined that drug dealers often pay corrupt police officers to work hand in hand with them to actively facilitate their drug-related criminal activities. To that end, the commission determined that the victims of police corruption are not the city's drug dealers; dealers are often the beneficiaries of corruption. The victims of police corruption are the many law-abiding people who reside in the neighborhoods where corruption thrives.

The commission developed an erosion theory of police corruption. Many officers who fall prey to

corrupt activities in their role as law enforcement officers seemed to be the result of regular and constant exposure to conditions and opportunities of corruption in crime-ridden police precincts that worked to change the attitudes and behaviors of some police officers. The commission hypothesized that this also worked as erosion on many honest police officers who developed a tolerance for widespread police corruption among their colleagues.

Patterns of Corruption

Cops Committing Theft

Patterns of thefts by corrupt police officers were found to be strikingly similar across the city from precinct to precinct, according to the commission. These patterns included thefts from street dealers in the form of "shakedowns," thefts from radio runs, thefts from unlawful searches and seizures, thefts from lawful searches and seizures, thefts from car stops and drug couriers, and off-duty robberies, all committed by police officers. Theft-related police corruption is usually motivated by greed but sometimes is simply an effort to gain power over street criminals.

Cops Protecting and Assisting Narcotics Traffickers

Some corrupt police officers were motivated by money to conspire with drug dealers to protect, assist, and strengthen illegal drug enterprises. Opportunities to engage in corruption related to narcotics trafficking has increased not only for officers in special narcotics units, as was the case a generation ago, but also for many officers assigned to routine patrol duties. As the narcotics trade has grown in the past few decades, so has the extent to which patrol officers come into regular contact with drug operations.

Cops as Drug Dealers and Users: Distributing and Using Drugs

The commission found that some corrupt police officers were drug dealers motivated by profit, and others were drug users themselves. Some officers acted as drug dealers in the course of their police duties, cultivating connections with drug dealers who lived in their precincts, and selling drugs on duty, and off duty, often in full police uniform. Other corrupt officers used fellow police officers as fences to sell their stolen drugs. Some officers acquired illegal drugs while on duty as police officers in the city, and then, in turn, distributed the drugs while off duty in their home neighborhoods and towns, often outside the city. Finally, the commission determined that drug abuse among police has grown considerably in recent years, especially the use of cocaine and steroids.

Perjury and Falsifying Documents

Perjury and falsification of documents is the most common form of police corruption. This form of corruption is not motivated by greed, but rather by a perverted sense of justice that tolerates and even encourages falsification to achieve otherwise legitimate law enforcement ends. Falsifications include testimonial perjury, that is, lying under oath; documentary perjury, that is, falsely swearing under oath in an affidavit or criminal complaint; and falsification of police records, that is, falsifying facts and circumstances of an arrest when writing police reports. Unlike other areas of police corruption, the commission found that falsification is often encouraged by police supervisors and prosecutors and is rarely, if ever, the subject of any internal affairs investigations or employee disciplinary actions against police officers. In sum, the practice of falsification is generally accepted as a law enforcement tool to achieve legitimate law enforcement ends, when hampered by constitutional constraints, in order to obtain criminal convictions that would, but for acts of police falsification, result in dismissals of charges.

Police Violence and Brutality

The commission found that there is often a link between police violence and acts of police corruption. It was noted by the commission that historically there has been a distinction drawn between police corruption and police brutality. That distinction has become blurred in much of the corruption investigated by the commission, as violence by the police sometimes occurs to facilitate thefts of drugs and money by the police. The commission found that police officers who are corrupt are more likely to be brutal. Corrupt police officers appear to be more violent than others, even in situations unrelated to corruption. Finally, the

commission noted that police violence is an engrained part of the police culture. Some officers engage in violence for the sake of violence. The same loyalty that fosters police violence also fosters and conceals police corruption.

Police Culture and Corruption

The commission determined that certain aspects of police culture work to facilitate corruption. Corruption is encouraged by setting a standard that nothing is more important than loyalty to fellow police officers, resulting in an environment that emboldens corrupt police officers and those who are susceptible to corruption. Ultimately, these attitudes work to thwart all efforts to control police corruption. Aspects of the police culture that facilitate police corruption include the code of silence, an us-versus-them attitude prevalent among police officers, erosion of traditional law enforcement values and pride, police cynicism, weakened moral character and fitness, and police unions that fuel the insularity that characterizes police culture.

The Collapse of Corruption Controls

The commission concluded that the police department had abandoned its responsibility to police itself and failed to take any substantive steps to create a culture dedicated to rooting out corruption within the New York Police Department. There was a great institutional reluctance to uncover police corruption and no independent external pressure to counter that reluctance. Throughout the department—from the highest-ranking officials to the officers on patrol—there was a widespread belief that any efforts to uncover police corruption would have devastating effects on the police department's morale and reputation. This paralyzing fear led to a police culture that tolerated corruption among its ranks.

Recommendations for Reform

The commission concluded its report with recommendations for reform in five areas: (1) police culture and management (including specific recommendations relating to recruitment and screening, recruit and in-service performance evaluations, integrity training, corruption susceptibility and police management, drug testing, and city residency requirements for police officers); (2) command accountability (including supervision and enforcement of command accountability); (3) internal investigations (including internal affairs operations, recruitment of qualified investigators, intelligence-gathering operations, investigative approach, organizational structure, command liaisons, and civil rights investigations); (4) heightening deterrence and sanctions (including discipline, department's advocate office, and disability pensions); and (5) community outreach (including community policing).

Philip Matthew Stinson

See also Christopher Commission; Police Accountability; Police Corruption; Rampart Investigation

Further Readings

Commission to Investigate Allegations of Police Corruption and the City's Anti-Corruption Procedures. (1972). *Knapp Commission report on police corruption*. New York: George Braziller.

Ivkovic, S. K. (2005). *Fallen blue knights: Controlling police corruption*. New York: Oxford University Press.

Kappeler, V. E., Sluder, R. D., & Alpert, G. P. (1994). *Forces of deviance: Understanding the dark side of policing* (2nd ed.). Prospect Heights, IL: Waveland.

New York City Commission to Investigate Allegations of Police Corruption and the Anti-Corruption Procedures of the Police Department [Mollen Commission]. (1994). *Commission report*. New York: Mollen Commission.

Sherman, L. W. (1978). *Scandal and reform: Controlling police corruption*. Berkeley: University of California Press.

Moore v. Dempsey

In the 1923 case of *Moore v. Dempsey*, the U.S. Supreme Court case held that where public opinion overwhelmed the trial process, such as when an agitated lynch mob waited for a verdict on the grounds of the courthouse, the trial was void. Additionally, even though the state appellate

court dismissed the habeas corpus petition, an inadequate corrective measure, it would not prevent federal habeas corpus review from determining whether federal constitutional rights had been violated. This holding was a landmark decision that affected the interpretation of the Fourteenth Amendment's requirement of due process on the state and federal levels, as well as the right to federal habeas corpus review. This entry reviews the facts of the case and the activities and critical role of the National Association for the Advancement of Colored People (NAACP) leading up to the Supreme Court decision.

Facts of the Case

On the night of September 30, 1919, a group of African American sharecroppers met in a church in Hoop Spur, Arkansas (near Elaine, Arkansas), to organize a chapter of the Progressive Farmers and Household Union of America. Although the media and prosecutor later claimed that the group was planning insurrection against the local White community, some contemporary historians now believe that meeting was the beginning of a labor union that was intent on suing the local farmers for various social and work-related issues. Robert Hill, organizer of the meeting, had also organized the union and had contacted a White attorney, U. S. Bratton, to represent the union in litigation against the local White landowners. During that meeting, several shots were fired into the church by a passing car occupied by police officer W. A. Adkins and railroad security guard Charles Pratt, as well as an African American informant. The men inside the church returned fire; Adkins was killed and Pratt was wounded.

Over the course of the next day, this event resulted in a chaotic free-for-all of shootings, beatings, and arrests that fractured this small town and resulted in the deaths of at least 30 people, five of whom were White men. Governor Charles Brough requested and deployed federal military personnel into the area to quell the "insurrection" and thereby imposed martial law on the area. He also appointed the Committee of Seven to investigate the "insurrection." When order was restored, several hundred African American men were arrested; 79 were eventually sentenced to prison, 12 of whom received the death penalty.

The trials of the arrested men began immediately. An angry mob gathered outside the courthouse, and lynchings were threatened for any defendant not found guilty and sentenced to the death penalty, where that defendant had been charged with the killing of any White man. As the federal troops stood guard around the courthouse, the mob was placated with promises by a few members of the Committee of Seven that those defendants found guilty of murder would be executed. Several African American witnesses were tortured to force them to make incriminating statements that were used to convict all 12 capital defendants. The remaining 67 defendants were given prison sentences of up to 21 years in prison each.

NAACP Involvement

Walter White, who later rose to be the executive secretary of the NAACP, and Scipio Africanus Jones, a middle-class African American attorney from Little Rock, Arkansas, came to the aid of these defendants. From the beginning of the 20th century through World War II, the NAACP grew rapidly and provided legal representation for defendants across the United States. As a small, but vocal, number of African Americans became professionals and businesspersons, they guided the larger population toward cultural development. Incidents such as the violence and riot of Elaine, Arkansas, were not uncommon in America during this period.

Endangering himself, White visited Elaine and wrote articles publicizing the church meeting, the social chaos that followed, and the subsequent trials. He further hired a White attorney, who was also the former Arkansas attorney general, Colonel George Murphy, to represent the capital defendants in appeals. Jones raised money and offered to also represent the defendants. The Arkansas Supreme Court presented two opinions, consolidating the cases: *Banks v. State,* which combined the cases of Alf Banks, Jr., John Martin, Albert Giles, Joe Fox, Will Wordlow, and Ed Ware, and *Hicks v. State,* which combined the cases of Frank Hicks, Frank Moore, Ed Hicks, J. E. Knox, Ed Coleman, and Paul Hall. Through the efforts of Murphy and Jones over the next 2 years, 1920 and 1921, the *Banks* cases were overturned twice, retried, and the

death penalty was reimposed on both occasions, but the case was appealed a third time. The *Hicks* case was reaffirmed. During this time, Colonel Murphy died and his law partner, Edgar McHaney, replaced him. Working under the deadline of the death penalty, McHaney and Jones filed an appeal with the chancery court of Arkansas. The chancery judge, John E. Martineau, ordered a stay against carrying out the death sentence, thereby giving the defense attorneys time to file their case in federal court. At approximately the same time, the Supreme Court of Arkansas overturned the chancery court's stay, *Hicks v. State* was accepted for federal review, and a federal stay was then filed.

After four years in state court, *Hicks v. State* came to the Supreme Court under pleadings written by Scipio Africanus Jones, yet presented by White NAACP attorney Moorfield Storey. The Supreme Court evaluated the case in light of the precedent set by *Frank v. Mangum* (1915). The *Frank* case held that trials convened under undue pressure from angry mobs violated constitutionally protected rights to due process.

Ending the Ordeal

The Supreme Court held that *Hicks v. State* should have been heard by the district court, given the mutually accepted fact that the trial court had operated under the undue pressure of the lynch mob that waited outside its doors. By that time, the general population of Arkansas had become sympathetic with the group of 79 incarcerated African American men. Scipio Africanus Jones was able to use the Supreme Court remand and the change in public opinion to negotiate a settlement that all of the capital inmates would receive 12 years in prison. This eliminated the possibility that the *Banks* case would be retried. Within months, Governor Thomas C. McRae pardoned the remaining incarcerated capital defendants, and Jones was able to get the other 67 released when the governor granted indefinite furloughs to all remaining inmates incarcerated on charges stemming from this event.

Maldine Bailey

See also *Brown v. Mississippi*; Lynching; National Association for the Advancement of Colored People (NAACP); Race Riots; Vigilantism

Further Readings

Cortner, R. C. (1988). *A mob intent on death: The NAACP and the Arkansas riot cases*. Middletown, CT: Wesleyan University Press.

Frank v. Mangum, 237 U.S. 309; 35 S. Ct. 582; 59 L. Ed. 969; 1915 U.S. LEXIS 1338 (1915).

Gilje, P. A. (1996). *Rioting in America*. Bloomington and Indianapolis: Indiana University Press.

Kerner, O. (1968). *Report of the National Advisory Commission on Civil Disorders* (Executive Order #11365). Washington, DC: U.S. Government Printing Office.

Kilpatrick, J. (2000). Ordinary men: African American lawyers and the civil rights in Arkansas before 1950. *Arkansas Law Review and Bar Association Journal, 53,* 299.

Moore v. Dempsey, 261 U.S. 86 (1923).

Moral Panics

Moral panics—artificially created crime scares—have long and strong roots in American history. Researchers, often influenced by critical conflict-oriented Marxist themes, have demonstrated that moral entrepreneurs demonized "dangerous groups" to serve their own religious, political, economic, social, cultural, and legal interests. Although the aims, form, dynamics, and outcome of moral panics vary throughout history, they have, with isolated exceptions, been initiated by powerful interest groups to manage the minds, bodies, morals, and behavior of threatening groups—often, the poor and powerless.

Colonial Era Panics

Colonial era moral panics were, in large part, based in religion. The early colonies were small, closely knit, religiously based societies. The early settlers knew their neighbors and regarded themselves as their brother's keepers. Outsiders were viewed as deviant and dangerous. The Puritans, intent on building God's "shining city on the hill," viewed Quakers as a threat to religious and social order. Laws were passed banishing them from the colony. When this did not work, punishments were escalated, resulting in a

number of hangings. Similarly, Anne Hutchinson and her followers were banished from Massachusetts in 1638 for heresy and for challenging the authority of the government. The 1692 witchcraft trial of Salem Village, Massachusetts, resulting in 20 executions, was a product of a collective moral panic.

The colonists were also concerned with race issues. Slave codes were carefully crafted to regulate every aspect of slave behavior. However, fear of slave revolts sometimes escalated to the level of mass hysteria. Responses to real and perceived threats of slave insurrection were swift and severe. In 1741, for example, 170 people were put on trial in New York, charged with conspiracy and arson. Legal formality was suspended. Seventy Blacks and seven Whites were banished from North America. Sixteen Blacks and four Whites were hanged, and 13 Blacks burned at the stake.

19th-Century Panics

Nineteenth-century moral panics reflected a variety of dynamic and dialectically interacting forces. The arrival of millions of immigrants transformed the Untied States from a small, isolated agrarian society into a world industrial power. But the Irish, Italian, and German immigrants who served as the backbone of the industrial revolution were, from the perspective of native-born Americans, deviant and dangerous. Their dress, speech, behavior, and religion—especially Catholics, who were viewed as mindless servants of the Pope—threatened American institutions. Native Protestants viewed the vice, sin, and crime of emerging cities as a reflection of the immigrants' immoral character. Alcohol consumption was a particularly serious concern: the Irish drank hard liquor, Italians wine, Germans beer—and they disrespected God by drinking on Sunday.

Nineteenth-century moral entrepreneurs tried to regulate America's new "dangerous classes." Throughout the 19th century, Protestants and Catholics battled over the control of American political, economic, educational, and legal institutions. State legislatures, still governed by native Protestants, passed laws controlling bars, brothels, gambling, card playing, and billiard halls. The passage of the Comstock Law by Congress in 1873 reflected the mind-set and fears of the times. Anthony Comstock, a politically connected Connecticut dry goods salesman, was charged with the authority to regulate American obscenity and vice. Prostitution, gambling, abortion, immoral books and literature (e.g., crime stories) were subjected to the critical gaze of Comstock and elitist moral entrepreneurs.

Nineteenth-century race-based threats and moral panics were regionalized. Post–Civil War Southerners believed that savage Black rapists were lusting after White women. Harsh Jim Crow laws and barbaric public lynchings were needed to maintain social and moral order and keep newly freed Blacks in their "proper place." Post–Civil War Northerners were alarmed by unfettered Black migration. Segregated schools, restrictive housing laws, and a variety of other formal and informal methods of degradation and oppression introduced a new form of American apartheid aimed at dealing with the Black threat.

Westerners felt besieged by Chinese immigrants, who had been imported to build railroads. Orientals, like Blacks, were viewed as subhuman. White European Americans believed that opium dens lured unsuspecting Whites, particularly females, to their doom. Legislatures in western states passed race control legislation. Chinese immigrants were forced to live in segregated areas, prohibited from testifying in court, forced to pay special taxes, and prohibited from wearing the queue hairstyle—a symbol of their heritage and culture.

Modern Panics

Early 20th-century moral panics were also driven by race, religion, politics, and economics. The passage of the Mann Act in 1910—federal legislation prohibiting the transportation of females across state lines for immoral purposes—was, in large part, introduced to prohibit sexual contacts between Black men and White women. The 1920 Red Scare and Palmer raids, which resulted in the arrest of thousands of suspected socialists, communists, and anarchists, was a product of fears of political revolution following the Russian Revolution of 1918. Drugs were also perceived as a serious threat to social order. The passage of the Volstead Act in 1919 launched a national war on alcohol. The appointment of Harry Anslinger as head of the Federal Bureau of Narcotics in 1930 marked

the beginning of a 30-year war on marijuana. "Reefer madness," warned Anslinger, threatened to ruin America's youth.

Crime scares and moral panics continued in the second half of the 20th century. During the 1950s, Americans were consumed with the threat posed by Russia and the cold war. The McCarthy hearings—in retrospect, a modern witch hunt—were, in many ways, a continuation of the Red Scare of the 1920s. Drug wars were redirected to new real and exaggerated threats. During the 1960s and early 1970s, American authorities were fixated on the threat of marijuana, heroin, and LSD. In the 1980s, the attention of drug czars turned to cocaine. Alarmist politicians and criminal justice experts, with the assistance of the press and criminal justice agencies, convinced the public that crack cocaine babies were going to overwhelm the health care system and bankrupt the nation. The passage of harsh cocaine laws—making 1 ounce of crack the equivalent of 10 ounces of powder cocaine, the drug of choice of White Americans—was indirectly aimed at African Americans. These laws contributed to an explosion in Black incarceration in the 1980s and 1990s.

Over the past several decades, new threats have emerged: child molesting, child abduction, child pornography, serial killers, mass murderers, satanic rituals, school violence, juvenile superpredators, violent rap music, Internet pornography, and more recently, illegal Mexican immigration and terrorism. Many of these issues are, to be sure, legitimate and warrant serious public concern. But we would be well advised to consider the history of misguided moral panics when we think about these issues, assess threats, and pass new social control legislation. The history of moral panics offers valuable lessons—particularly, a path to avoiding future witch hunts.

Alexander W. Pisciotta

See also Black Codes; Chinese Exclusion Act; Cocaine Laws; Immigrants and Crime; Immigration Legislation; Lynching; Media Portrayals of African Americans; Minority Group Threat; Racialization of Crime; Television News

Further Readings

Friedman, L. (1993). *Crime and punishment in American history*. New York: Basic Books.

Jenkins, P. (1992). *Intimate enemies: Moral panics in contemporary Great Britain*. New Brunswick, NJ: Transaction.

McCorkle, R. C., & Miethe, T. D. (2002). *Panic: The social construction of the street gang problem*. Upper Saddle River, NJ: Prentice Hall.

Walker, S. (2006). *Sense and nonsense about crime and drugs: A policy guide*. Belmont, CA: Thomson Wadsworth.

Movies

Film, as a reflection of society, conveys the hopes and anxieties of the culture in which it is created. In American film, criminal characters—mob bosses, robbers, contract killers, gangsters—have become posterized icons. The crime movie includes such subgenres as gangster films, film noir, prison films, detective films, cop action films, and serial killer or horror films. Traditionally, crime movies have centered on White male cops or criminal enterprises, though the minority criminal/cop has gradually come to be more commonly represented in film.

The crime genre is nearly as old as film itself. Edwin S. Porter's *The Great Train Robbery,* a silent short western, was released in 1903. D. W. Griffith introduced organized crime to film with *The Musketeers of Pig Alley* (1912). But it was real-life gangster Al Capone and the organized crime of Prohibition era bootlegging that coincided with the rise of talkies (films with audible speaking) to propel the popularity of crime movies. The three classic gangster films of the era, all based loosely on Capone, were *Little Caesar* (1930), *The Public Enemy* (1931), and *Scarface: The Shame of a Nation* (1932), the release of which was delayed 2 years due to its portrayal of excessive violence. It was at this time that the Hays Production Code was adopted to instate moral acceptability codes and ultimately to censor film. For movie production studios, Hays proscribed the glorification of crime, restricted the amount of violence and drug use, and ordered retribution for criminal acts. In 1967, the Motion Picture Association of America (MPAA) film rating system replaced Hays.

In 1939, *The Roaring Twenties,* which portrays rival bootlegging gangs during Prohibition and

solidified the reputations of actors Humphrey Bogart and James Cagney, became the last of the classic gangster films. The 1940s saw the birth of American film noir, a dark cinematographic and thematic style of filmmaking that featured plots ranging from mystery (*The Maltese Falcon,* 1941) to murderous double cross (*Double Indemnity,* 1944) to bank heist (*The Killing,* 1956) and even espionage (*Notorious,* 1946). Orson Welles's *Touch of Evil* (1958) is arguably the last true film noir picture, though many subsequent crime films (i.e., *Blood Simple,* 1984; *Reservoir Dogs,* 1992; *A History of Violence,* 2005) have been derived from classic film noir.

Prison films have portrayed life behind bars and commented on such issues as harsh prison conditions, wrongful imprisonment, and the lives of prisoners awaiting execution. *The Defiant Ones* (1958) is a particularly renowned film in this genre that deals with race relations between two escaped convicts shackled together by chain: one White (Tony Curtis) and one Black (Sidney Poitier), as the two are forced to overcome their racial hatreds in order to survive life on the run. For their roles, both actors, in addition to the film itself, were nominated for Academy Awards. *Cool Hand Luke* (1967), a story of prisoner rebellion, and *Escape From Alcatraz* (1979), which details an escape from the infamous prison, respectively made Paul Newman and Clint Eastwood prisoner antiheroes. *The Shawshank Redemption* (Best Picture Academy Award nominee, 1994), which revisited prison race relations, featured a Black protagonist (Academy Award–nominated Morgan Freeman) prison con man who befriends a wrongly imprisoned White banker (Tim Robbins). *American History X* (1998) tells the story of a neo-Nazi murderer liberated by an old teacher and a fellow prisoner, both African Americans.

Cop films focused on the "good" guys: cops, detectives, and law enforcement agents. *G-Men* (1935) starred Cagney as a haughty government agent infiltrating criminal organizations. Years later, *In the Heat of the Night* (1967) would become the first cop film to deal with racial issues. Starring Sidney Poitier (who that year also starred in the interracial marriage-themed *Guess Who's Coming to Dinner)* as a smart-minded detective and Rod Steiger as a bigoted sheriff, the film deals with racial tension as the two attempt to solve a murder. In 1971 Clint Eastwood tracked a serial killer as badass cop *Dirty Harry,* which spawned four sequels. The cop genre gradually evolved into the buddy cop film. *Freebie and the Bean* (1974) was the first of its kind, and *Colors* (1988), which unites a veteran and a rookie cop, provides an interesting perspective on gangs and racial conflict in Los Angeles. Films such as *Lethal Weapon* (1987) and the comedy *Rush Hour* (1998) have paired interracial cops as partners, and in *48 Hours* (1982), a convict on a 2-day pass partners with a cop.

The 2-minute-long *Le Manoir de Diable* (1896) initiated horror film, followed by such classics as *Nosferatu* (1922), *Frankenstein* (1931), *The Mummy* (1932), *The Birds* (1963), *The Night of the Living Dead* (1968), and *The Shining* (1980). The serial killer film would parallel horror, and the first of its kind was the German film *M* (1931), based on the real-life Vampir von Düsseldorf serial murderer. Other notable serial killer/horror films based on actual murderers include Hitchcock's *Psycho* (1960), *Badlands* (1973), *Silence of the Lambs* (1991), and *Monster* (2003). A direct descendent of horror, the slasher film achieved notoriety with *The Texas Chainsaw Massacre* (1974), *Halloween* (1978), and *Friday the 13th* (1980).

It was the rebirth of the gangster film in the 1970s that intensified the status of crime film. Francis Ford Copolla's *The Godfather* (1972) and *The Godfather II* (1974), which tell the story of an Italian American Mafia family, are considered two of the greatest films of all time by the American Film Institute. These films paved the way for such modern gangster classics as Brian De Palma's *Scarface* (1983) and *The Untouchables* (1987), Martin Scorsese's *Goodfellas* (1990), *Casino* (1995), and *The Departed* (2006), and Quentin Tarantino's *Reservoir Dogs* (1992) and *Pulp Fiction* (1994). Only the latter film features interracial characters.

The crime and race relations genre is gradually becoming more racially diversified. African American directors like Spike Lee (*Do the Right Thing,* 1989), John Singleton (*Boyz N the Hood,* 1991) and the Hughes Brothers (*Menace II Society,* 1993) introduced the world to hood movies. Chinese director John Woo became noteworthy for his Chinese mob films *A Better Tomorrow* (1986), *The Killer* (1989), and *Hard Boiled* (1992). The Brazilian film *City of God,* which portrays the

chaotic youth violence of the self-titled housing project in 1980s Rio de Janeiro, achieved critical success in America, garnering four Academy Awards.

Doug Evans

See also Prison Gangs; Profiling, Serial Killer; Scarface Myth; Social Construction of Reality

Further Readings

Munby, J. (1999). *Public enemies, public heroes*. Chicago: University of Chicago Press.

Strickland, R., Foste, T. E., & Banks, T. L. (2006). *Screening justice: The cinema of law: Significant films of law, order, and social justice*. Buffalo, NY: W. S. Hein.

Websites

The Greatest Films: http://www.filmsite.org

Mafia Movie Database: http://www.mafiaflix.com/movie_list.php

Myth of a Racist Criminal Justice System

The criminal justice system is an integral part of American government and the American historical experience. The system's institutional components, law enforcement, courts and corrections, derive their authority from constitutional and statutory sources. Historically, the concepts of justice and criminality in the United States originate from English common law and Judeo-Christian ideas. The praxis of justice and criminality, however, has been shaped by the historic encounter of diverse peoples and interests. As a result, justice has not been experienced by all classes of Americans. Likewise, the concept of criminality has been manipulated to disadvantage certain classes of Americans. The disproportionate representation of racial and ethnic minorities in the criminal justice system supports the inference that the system is racially biased. There are those, however, who assert that such an inference is ideologically driven and that any disparity in the criminal justice system is due to other variables. Essentially, these proponents argue that it is a myth that the criminal justice system is racist. This entry examines these two varying points of view, which have shaped the discourse on race and crime and have been focal points for much conflict in American society.

As a modern idea, race is a scientific tool used to identify and classify humans by physiological and genetic traits. At its most extreme, race theory hypothesizes that intelligence, criminal behavior, and sexual disposition are predetermined by racial traits and classification. Some proponents of this view argue that the disproportionate presence of racial minorities in the criminal justice system may be a result of racially linked criminal propensities. According to this view, the criminal justice system is neutral, and the incidence of disparate treatment of racial minorities once in the system is a result of the individual prejudice of criminal justice professionals and not due to systemic factors. Further, criminal justice institutions have been modernized and criminal justice employees have been professionalized. Some proponents of this view believe that the egregious practices of the past are no longer permitted or sanctioned and that statistical evidence does not support any assertion of disparate treatment in arrests, conviction, and incarceration. They assert that anecdotal or personal observations that support the claim of racism in the criminal justice system are functions of subjective bias. According to this perspective, the nature or inherent traits of offenders are responsible for their encounters with the criminal justice system. The criminal justice system, admittedly, has its flaws, but fundamentally the administration of justice has guided its ideals and practice throughout history. Emphasis is placed on the person's individual and/or racial characteristics to explain disparities with the system.

A second view, however, asserts that race is an artificial concept that arbitrarily attributes characteristics to classes of people to support the goals of social engineering and economic enterprise. Proponents of this view note that, historically, American society embraced the concept of race and racial ideas were used to justify the subjugation of the American Indian, who was often referred to as heathen, uncivilized, and subhuman. Race theory was also used to justify the enslavement and exploitation of Africans. Similarly, race

theory supported the exploitation of Chinese and Japanese laborers. The racial constructs as they pertain to these classes of people were codified into law and established as the protocol for social usage. Thus racism became systematic and systemic. The tragic history of these *subject* classes is well documented. The criminal justice system, its institutions and processes, operated within a society in which racial ideology prevailed. By extension, then, the criminal justice system can be construed as racist. Proponents of this view argue that in addition to the historical record, the fact that racial minorities are disproportionately represented in arrests, convictions, imprisonment, and executions supports the view that the criminal justice system is racist.

It is an historical fact that the criminal justice system originated, developed, and operated within the context of a society marred by racial ideology. On more than one occasion, the U.S. Supreme Court failed to uphold the rights of racial minorities as citizens, and state legislatures enacted laws entrenching racial disparity. Racism is not merely an individual attitude but is supported by institutional and systemic concepts, patterns, and practices. Racial inequities are evident in criminal justice policies today, such as different criminal penalties for possession and sale of crack as compared to powder cocaine. Critics of the prison industrial complex point to the economic benefits for Whites of prisons located in predominantly White rural communities. The acquittal of White police officers in several cases involving the use of deadly force reinforces the notion that the rules of engagement for policing have not changed.

James P. Mayes

See also Biological Theories; Discrimination–Disparity Continuum; *Dred Scott* Case; Native Americans: Culture, Identity, and the Criminal Justice System

Further Readings

Barlow, D., & Barlow, M. (2000). *Police in a multicultural society: An American story*. Long Grove, IL: Waveland.

Gabbidon, S. L., & Greene, H. T. (2009). *Race and crime* (2nd ed.). Thousand Oaks, CA: Sage.

Kappeler, V. E., & Potter, G. W. (2005). *The mythology of crime and criminal justice*. Long Grove, IL: Waveland.

Reiman, J. (2007). *The rich get richer and the poor get prison* (8th ed.). Boston: Pearson/Allyn & Bacon.

Walker, S., Spohn, C., & Delone, M. (2007). *The color of race* (4th ed.). Belmont, CA: Thomson Wadsworth.

Washington, L. (1994). *Black judges on justice*. New York: New Press.

Wilbanks, W. (1987). *The myth of a racist criminal justice system*. Monterey, CA: Brooks/Cole.

NAACP Legal Defense Fund

The NAACP Legal Defense and Educational Fund, Inc., which is also known as the "NAACP LDF," "LDF," or the "Inc. Fund," is a unique public interest law firm. The firm was founded in 1940 and has litigated civil rights issues nationwide in the state and federal courts. Its efforts in the criminal law area have not been as overwhelmingly successful as in desegregating public facilities, but the firm's legal victories have changed the quality of life for all within the United States. Today, LDF has many public interest law firm imitators. LDF also awards college scholarships to highly qualified African American students.

Founding of the NAACP

LDF's parent organization, the National Association for the Advancement of Colored People (NAACP), was founded in 1909 by a group of White and African Americans to improve the economic, political, and legal plight of African Americans. The organization engaged in lobbying and publicity-related activities. The importance of using the law to effect the goals of the NAACP was apparent at the organization's founding, as one of the group's original aims was the enactment of a federal antilynching law. Despite its lobbying efforts, Congress never passed such a bill. The NAACP's National Legal Committee, which consisted of volunteer lawyers who served as an advisory board, handled requests for assistance, and provided advice in individual cases to African Americans accused of interracial violence.

Overwhelmed with requests for assistance, the national office adopted a policy of handling legal issues of national import, leaving the local branches of the organization to deal with legal matters that had a more local focus. In the 1920s, NAACP leaders believed that the federal courts could provide a hospitable forum for the legal redress they sought. They eventually settled on implementing

> a large-scale, widespread, dramatic campaign to give the Southern Negro his constitutional rights, his political and civil equality, and therewith a self-consciousness and self-respect which would inevitably tend to effect a revolution in the economic life of the country.

That campaign turned into a litigation strategy to desegregate public education.

Desegregation in Education Litigation Campaign

The effort was designed and led by Charles Hamilton Houston, who joined the national office as special counsel in July 1935. For 5 years, Houston was the driving force in devising the legal strategy and educating the public on the NAACP's legal campaign against segregation. His goal was realized after his 1950 death, when the

U.S. Supreme Court ruled in *Brown v. Board of Education* (1954) that the "separate but equal" doctrine had no place in education. The Supreme Court would eventually apply that principle to all areas of U.S. public law. During his time at the NAACP, Houston hired his protégé, former student and eventual successor, Thurgood Marshall. Marshall became the NAACP's special assistant counsel in late 1936, and 2 years later succeeded Houston as special counsel. He served in that capacity until 1961.

Creation of the Legal Defense and Educational Fund

During the midst of the desegregated education campaign, in 1940, the NAACP created LDF, as a separate charitable organization to take advantage of newly enacted laws that would make donations to it tax deductible. According to its charter, the organization's purpose is to "render free legal aid to Negroes who suffer legal injustice because of their race or color," to "seek and promote educational opportunities denied to Negroes because of their race or color," and to "conduct research and publish information on educational facilities and inequalities furnished for Negroes out of public funds and on the state of the Negro in American Life." Despite the formal separation in the organizations, for several years the NAACP and LDF had overlapping boards, and the NAACP financially supported LDF lawyers and their work. Marshall was named director-counsel of LDF. Following Houston's example, Marshall relied heavily on lawyers trained at Howard Law School to work in association with LDF. During the 1940s and 1950s, among the lawyers who joined LDF were Robert L. Carter, Constance Baker Motely, and Spottswood W. Robinson III, each of whom later served as a federal judge. Many other lawyers served as cooperating attorneys with LDF, providing legal assistance nationwide. In the early 1960s, LDF separated from the NAACP, establishing separate offices and an autonomous board of directors. The separation was spurred partly by personality conflicts and philosophical disagreements within the organizations over their direction, including the refusal of Director-Counsel Jack Greenberg, a longtime LDF staff member, to relinquish the position so that LDF could be led by an African American attorney. In 1979, the NAACP passed a resolution and filed suit seeking that LDF discontinue its use of the NAACP initials. LDF prevailed on appeal.

Criminal Litigation and LDF

Unlike in the education area, LDF did not have a comprehensive litigation strategy for criminal cases. Part of the reason was strategic: it was often difficult to raise support for those who had ostensibly committed a criminal wrong. While the NAACP's and later LDF's efforts were more ad hoc in the criminal area, the organizations were successful. Success was often measured by securing a new trial or less severe sentence for the criminally accused. Ironically, one impetus for the establishment of LDF was the inability of local NAACP branches to handle a criminal case in which nine African American youth were accused of raping two White women in Alabama in 1931; the defendants were known collectively as the "Scottsboro Boys." The NAACP eventually became heavily involved in the case and assisted as the case reached the U.S. Supreme Court twice. There the Court established in *Powell v. Alabama* (1932) that criminal defendants were entitled to the appointment of trial counsel who will be able to consult with the defendant and prepare a defense, and in *Norris v. Alabama* (1934) the Court held that systematically depriving African Americans of jury service violated due process. The exact record of LDF's achievements in criminal cases is unknown, because in many state and lower federal courts, LDF attorneys successfully argued for the establishment of constitutional protections for criminal suspects, including the exclusion of forced confessions and challenging instances of police brutality.

National Office for the Rights of the Indigent Program

It took until the 1960s for LDF to launch serious, sustained efforts aimed at reforming the criminal justice system. LDF attempted to address criminal law matters indirectly by addressing poverty issues. In 1965 LDF created the National Office for the Rights of the Indigent (NORI). NORI was

the first national poverty law program. The goal was to aid the poor, much as LDF was making law favorable toward African Americans, such as litigating cases involving welfare law and consumer fraud. African Americans were likely beneficiaries of NORI because they made up a disproportionate share of the poor. As originally envisioned, NORI was to coordinate the work of government legal services offices and to establish legal precedents that would help the poor. For example, cases were filed in small towns and municipalities, seeking improvement in government services provided in the poor section of cities with heavy concentrations of African Americans. NORI developed into a community service model, with emphasis on providing services for individuals for their individual claims. Eventually, NORI faded away, and LDF received the remainder of the grant.

Changing Course in the 1960s

The focus of LDF's general litigation strategy changed in the 1960s. The organization found itself litigating enforcement of the *Brown* mandate, defending sit-in protestors in cases like *Boynton v. Virginia* (1960) and *Shuttlesworth v. Alabama* (1969), the civil rights Freedom Riders in *Abernathy v. Alabama* (1965) and *Thomas v. Mississippi* (1965), and challenging excessive bail requirements of civil rights protesters. LDF's policy, which was subject to much criticism, was to represent persons involved in major constitutional litigation that would have an impact on the lives of African Americans. This meant that the organization did not handle run-of-the-mill criminal cases. Sometimes the organization did get involved in cases in which the legal process was directed toward a person because of his or her race. By the end of the 1960s, LDF began to focus on enforcing in the courts the legislative victories won in Congress, including eliminating discrimination in voting, employment, and educational opportunities.

Capital Punishment and LDF

Capital punishment was an area of concern for LDF. In 1963, LDF attorneys joined with lawyers in other organizations to challenge the administration of the death penalty. The strategy expanded from focusing on racism in the use of the death penalty and death sentences on rapists, especially when an African American man had been convicted of the crime against a White woman, to cover murder cases as well. Gradually, the U.S. Supreme Court became involved in announcing constitutional principles governing the administration of capital punishment. The effectiveness of the litigation campaign was evident, as state and federal courts issued rulings that effectively imposed moratoriums on executions from the mid-1960s through the early 1970s. Four cases, collectively known as *Furman v. Georgia* (1972), held that the death penalty as administered in the United States violated the U.S. Constitution. For the first time in this nation's history, it was illegal to carry out a death sentence. The racially disproportionate application of the death penalty was present in the cases, though that matter was not relied on heavily by the lawyers. However, Justice William O. Douglas, in his separate opinion, noted that the death penalty had been historically disproportionally imposed against the poor and persons of color.

By the time of *Furman*, Thurgood Marshall was an Associate Justice on the Supreme Court. In *Furman*, Justice William Brennan and Justice Marshall, in separate opinions, catalogued a number of reasons for rejecting the death penalty. Both justices continued to hold this view for the remainder of their judicial careers, and in every subsequent capital case that the Court considered they reiterated their continuing rejection of the death penalty. In fact, many of the issues that the Court has considered after *Furman* were presaged in their concurrences. Within months of *Furman*, capital laws were rewritten, and in *Gregg v. Georgia* (1976), the Court ruled that the death penalty did not invariably violate the Constitution. It held that the death penalty was an appropriate sanction for the taking of a human life, as long as the process under which the sentence was imposed was "suitably directed and limited so as to minimize the risk of wholly arbitrary and capricious action." The mandatory imposition of a death sentence was ruled unconstitutional because it did not allow for sufficient individualized consideration of the circumstances of the crime and the background of the defendant. Thus, in sharp

contrast to its campaign against legally desegregated education, LDF's campaign to outlaw capital punishment proved short-lived.

The question of the impact of race on the administration of the death penalty was repeatedly avoided by the Court until *McCleskey v. Kemp* (1987). In *McCleskey*, LDF had commissioned a comprehensive study of the influence of race on the death penalty in Georgia. The study indicated that in a midrange of capital cases, the race of the victim and the race of the defendant were more determinative of who received the death sentence; African American murderers of Whites were more likely sentenced to death than other defendant-victim combinations. The Court rejected the argument, despite the study, ruling that the defendant did not show that race discrimination played a role in his receiving a death sentence. *McCleskey* requires that capital defendants prove that they were sentenced to death because of intentional—and not systemic—race-based discrimination by prosecutors, jurors, or judges.

Jury Selection and Prisoner's Rights Cases in the 1970s

LDF has been successful in eliminating discriminatory jury selection procedures and developing prisoner's rights through litigation. The law of nondiscriminatory jury selection was developed through LDF-led litigation. LDF introduced the use of statistics as proof of discrimination. It was also the innovator in filing civil suits on behalf of potentially excluded jurors. Those suits sought desegregation of jury rolls and the use of less subjective jury selection methods. Prior to these suits, the jury selection process was only being challenged by convicted defendants who sought to overturn his or her conviction based on discriminatory jury selection. For example, in LDF cases, the U.S. Supreme Court in *Carter v. Jury Commission* (1970) held that a federal lawsuit could be filed by potentially excluded jurors to challenge jury discrimination, and 2 years later it accepted the use of statistical evidence to prove racial discrimination in jury selection in *Alexander v. Louisiana* (1972). After *Ham v. South Carolina* (1973), defendants could have the trial judge question potential jurors about whether jurors harbored racial prejudices. LDF filed an influential amicus brief in *Batson v. Kentucky* (1986), which overruled *Swain v. Alabama* (1965), when it held that it was illegal to use peremptory challenges in a racially discriminatory manner, unless the prosecutor could come forth with a nondiscriminatory reason for the removal of potential jurors.

In the prisoner's rights context, through various suits LDF successfully challenged prison overcrowding, unsanitary living conditions, inadequate nutrition and medical care, solitary confinement practices, and prison disciplinary processes. Arkansas', Texas', and Georgia's prison systems were reformed through litigation brought by LDF. After initial LDF victories, other organizations began litigating prisoner's rights claims, too.

Criminal Justice Project

LDF continues to press for equality in the criminal justice system through its Criminal Justice Project. Since 1975, the project has produced a quarterly publication, *Death Row U.S.A.,* which is a comprehensive collection of national data of the demographics of death row, including the race and sex of the defendant and victims, and those who have been executed by each state. *Death Row USA* is frequently used as an authoritative source by scholars, courts and the media on the demographics of the nation's death row. In fact, it is the nation's most comprehensive source of information on executions and death row demographics. Attorneys associated with the project challenge through litigation, public education, policy initiatives, and racial bias in the criminal justice system. The focus is on representing death-sentenced clients in state and federal postconviction proceedings, coordinating programs within jurisdictions where there is a demonstrated inequality in the delivery of defense services, representing clients in noncapital cases, submission of amicus briefs in court cases, and supervising law students who have been placed at the LDF.

Today, LDF is involved in a number of important areas of criminal law, including capital punishment, indigent defense, war on drugs, discrimination in jury selection, and claims of legal innocence by convicted defendants. LDF does not

limit its efforts to litigating cases, though its attorneys do engage in direct representation of the criminally accused and the organization does submit amicus briefs in selected cases. The organization also promotes policy reform and public education, including the issuance of reports that highlight racial and class disparities in criminal justice matters.

Scholarship Program

LDF offers scholarships. The Herbert Lehman Education Fund issues scholarships to first-time, 4-year, full-time college students. The scholarship was established in 1963 to help African American students attending formerly segregated 4-year public colleges and universities that were desegregated as a result of LDF's efforts. Today, these scholarships are awarded to deserving African Americans to attend colleges and universities nationwide. In 1972, LDF created the Earl Warren Legal Training Program, Inc., which offers two scholarships: Earl Warren Civil Rights Training Scholarships, which have a preference for law students; and Earl Warren, Shearman & Sterling Scholarships, which are offered to African American law students.

One continuing criticism of the NAACP is that its efforts overwhelmingly benefit middle-class persons of color. This has led to some derisively claiming that the last two initials of the organization's name really are abbreviations for "certain people" and not "colored people." Similar consternation exists with regard to LDF's practices because systematic and societal changes have been slow in coming. While it is true that civil rights litigation and legislation proceed at an incremental pace and have an ad hoc nature, it is important to keep in mind that changes in the legal and social landscape during the past 70 years have been fostered by the work of LDF.

Dwight Aarons

See also League of United Latin American Citizens; National Association for the Advancement of Colored People (NAACP); Puerto Rican Legal Defense and Education Fund; U.S. Department of Justice, Office of Civil Rights; W. Haywood Burns Institute for Juvenile Justice Fairness and Equity

Further Readings

Finch, M. (1981). *The NAACP: Its fight for justice*. Metuchen, NJ, and London: Scarecrow.

Greenberg, J. (1994). *Crusaders in the courts: How a dedicated band of lawyers fought the civil rights revolution*. New York: Basic Books.

Kellogg, C. F. (1967). *NAACP: A history of the National Association for the Advancement of Colored People*. Baltimore: Johns Hopkins University Press.

Kluger, R. (1975). *Simple justice: The History of* Brown v. Board of Education *and Black America's struggle for equality*. New York: Knopf.

Meltsner, M. (1973). *Cruel and unusual: The Supreme Court and capital punishment*. New York: Random House.

Motley, C. (1998). *Equal justice under law: An autobiography of Constance Baker Motley*. New York: Farrar, Straus & Giroux.

Schlanger, M. (2006, May). Civil rights injunctions over time: A case study of jail and prison court orders. *New York University Law Review*, *81,* 550–630.

Southworth, A. (2005, April). Conservative lawyers and the contest over the meaning of "public interest law." *University of California, Los Angeles Law Review*, *52,* 1223–1278.

St. James, W. D. (1980). *NAACP: Triumphs of a pressure group, 1909–1980*. Smithtown, NY: Exposition Press.

Tushnet, M. V. (1987). *The NAACP's legal strategy against segregated education, 1925–1950*. Chapel Hill: University of North Carolina Press.

Tushnet, M. V. (1994). *Making civil rights law: Thurgood Marshall and the Supreme Court, 1936–1961*. New York: Oxford University Press.

National African American Drug Policy Coalition

The United States has one the largest correctional populations in the industrialized world. Additionally, African Americans are approximately 6 times more likely to be incarcerated than are Whites, while Latinos are more than twice as likely to be incarcerated than Whites. The 1970s Controlled Substance Act, the Comprehensive Crime Control Act of 1984, and the Anti-Drug Abuse Acts of 1986 and 1988 have all had a devastating impact on American society

and, in particular, on members of the African American community. Mandatory sentencing, three strikes laws, and the War on Drugs are major contributors to the disproportionate amount of incarceration among African American and other racial and ethnic minorities. Many have argued the War on Drugs unfairly targets poor and minority populations, as they are the groups with the highest numbers of incarceration within the criminal justice system. Additionally, these drug laws attach lengthy sentences to first-time nonviolent drug offenders, many of whom are young Black men. Growing concern about excessive incarceration rates, drugs, and crime attracted great attention and sparked the development of multiple advocacy organizations. One such organization is the National African American Drug Policy Coalition (NAADPC). This entry reviews the founding of the organization, the mission of the organization, and its organizational goals.

Origin and Structure

Founded in 2003, the National African American Drug Policy Coalition was organized by the National Bar Association (NBA) to address the multifarious issues of drug policies and laws. The organization is supported by a group of African American professional organizations (currently 23), which act as the legislative body of advocates for drug policy and laws as well as address specific public health concerns including the epidemiology of drug use and abuse. The National African American Drug Policy Coalition has chapter affiliates nationwide who have become the voice of the organization. On April 1, 2004, a distinguished group of leaders representing nine African American organizations met on Capitol Hill to endorse a Memorandum of Understanding (MOU) to enhance existing principles and practices of drug abuse and addiction policies.

The National African American Drug Policy coalition is an organization that aims to reduce and prevent the onset of illegal drug usage and related crimes within the African American community through a 5-year plan. The coalition seeks an alternative method that not only aims to decrease drug abuse and crime but also to develop alternatives to incarceration through diversion programs and utilizing therapeutic sentencing over criminal sanctions. Furthermore, the alternative sentencing would allow members of the organization to divert public resources into research, education, prevention, and treatment programs.

Mission

The National African American Drug Policy Coalition is a coalition of preeminent African American professional organizations united to promote drug policies and laws that embrace the public health nature of drug abuse and provide an effective and humane approach to address the chronic societal problem of drug abuse. More important, the National African American Drug Policy Coalition plans to accomplish this mission (a) addressing racial disparities in substance abuse policies, (b) holding annual conferences to address drug policies and African Americans, and (c) implementing and evaluating pilot projects that will enhance pretrial diversion and therapeutic sentencing aimed at lowering recidivism rates; reduction of incarceration cost; reduction in criminal activity and violence, child abuse, and neglect cases; and increase the participation in drug compliance and therapy.

Organizational Goals

The National African American Drug Policy Coalition outlines six organizational goals.

The first goal is to create an organizational structure for ongoing operation and coordination of the coalition. It is the goal of the coalition to incorporate itself as an independent, not-for-profit organization with space, staff, policies, and procedures consistent with the mission and philosophy of NAADPC.

The second goal is to build a revenue base to sustain and generate support for the coalition. It is the goal of the coalition leadership to identify funding from private and public sources to support and sustain the home office.

The third goal is to enhance pretrial diversion and therapeutic sentencing services and programs in selected communities. It is the goal of the coalition to enhance existing and implement new

pretrial diversion and therapeutic sentencing services and programs using a multidisciplinary approach through the talents and expertise of coalition members and supporting organizations and volunteers.

The fourth goal is to advance knowledge regarding substance abuse policies and programs and their impact on African Americans through research and evaluation. It is the goal of the coalition to be producers of information by identifying best practice models through research and evaluation of both NAADPC programs and general programs.

The fifth goal is to create for the public a national clearinghouse of new and relevant information regarding African Americans and substance abuse. It is the goal of the coalition to be disseminators of information by providing the public and key stakeholders with evidence-based information on African Americans and substance abuse using a variety of media.

The sixth goal is to serve as a catalyst for the refocusing of drug laws and policies toward a public health approach. It is the goal of the coalition to educate and inform the legislatures and policymakers regarding the impact of specific drug laws and policies on the African American community and make recommendations for more effective laws and policy.

Carla Miller

See also Drug Courts; Drug Dealers; Drug Trafficking; Drug Treatment; Drug Use

Websites

National African American Drug Policy Coalition: http://www.naadcp.org

National American Indian Court Judges Association

The National American Indian Court Judges Association (NAICJA), established in 1969, is a professional society for tribal court judges, similar to the American Judicature Society or the American Judges Association. NAICJA recognizes the unique position faced by tribal courts. Often underfunded and typically staffed by lay personnel, tribal courts need high-quality, culturally sensitive training for court personnel and access to easy-to-use materials to ensure the courts' functioning. The tribal courts also need strong advocates to advance the cause of courts and justice in Indian Country (which includes all tribal lands and allotments). The NAICA is important to the study of race and crime because tribal courts play an important role in the tribal justice system.

NAICJA was founded to support tribal justice systems and the judges and peacemakers who preside over the processes in those courts. The organization has had 501(c)(3) approval since 1973 and hosts annual meetings focused on improving justice in Indian Country. The association also conducts training relevant to tribal courts, including recent conferences on using and overseeing probation as a sanction, training for court clerks aimed at teaching them how to manage tribal courts, and a series of workshops on sovereignty issues and tribal courts.

Some critics note that while NAICJA conducts trainings, rapid turnover among tribal court personnel often means that key staff cannot benefit from them as they are seldom offered more than once per year. NAICJA's published guides, however, are available to all court staff and can serve as initial starting points for new personnel. Tribal court judges can also attend training sessions offered by the National Indian Justice Center and other groups to supplement those offered by NAICJA.

In addition to the valuable educational programming it offers, an important part of NAICJA's mission is to provide information to the public, especially federal, state, and tribal lawmakers. In its advocacy role, NAICJA works with Congress to ensure that tribal courts are not forgotten by legislators or budgeting agencies and that tribal justice is always on the national agenda. The group has prepared oral and written testimony for the House Appropriations Committee, the U.S. Senate Committee on Indian Affairs, and other government entities. Through surveys and other research, NAICJA has become a respected clearinghouse for information on tribal courts.

NAICJA creates and distributes a large library of publications designed for tribal courts, including its popular *Tribal Criminal Court Benchbook*

and *Tribal Criminal Court Clerks Manual,* both of which are practical guides for tribal court personnel. The judges' benchbook, for example, contains clear descriptions of the complex jurisdictional issues facing tribal courts, arrest, extradition, search and seizure processes, pretrial and trial procedures, sentencing, and postconviction relief. Given the high number of lay tribal judges, the benchbook is a valuable resource. The benchbook and manual were the most requested forms of technical assistance listed by tribal court personnel in surveys conducted by NAICJA. The published guides have been praised as helpful, although they are sometimes criticized for not being comprehensive or sophisticated. The guides are among the few that are customized for tribal courts, however, so they are among the most used resources in Indian Country.

One of its most cited publications is *Indian Courts and the Future: Report of the NAICJA Long Range Planning Project,* published in 1978. This publication detailed the strengths and weaknesses of tribal courts and included a number of suggested remedies to the ills it documented. Some of the problems NAICJA reported included political interference in the courts and high staff turnover, both of which affect judicial independence and quality, lack of attorneys for native accused, and inadequate tribal laws. NAICJA has worked to remedy these problems, focusing on improving access to materials and training for judges in Indian Country and serving as an impetus for positive legal change.

NAICJA frequently partners with the National Tribal Justice Resource Center, an organization it founded in 2000. With the National Tribal Justice Resource Center, the NAICJA serves as a clearinghouse resource for tribal constitutions, bylaws, codes, and charters. The collection of these documents in one easy-to-access location means they are available both to tribal members, who did not always have a way to review the laws they were expected to follow, and to tribal governments that wish to analyze how other tribes have dealt with particular issues as models for their own code drafting. NAICJA and the National Tribal Justice Resource Center also publish model legal codes, such as the *Sample Tribal Evidence Code,* which can easily be adapted and adopted by tribes as part of their own governing documents. When drafted, these model codes were important documents for tribal consideration, because many tribes had failed to define personal or subject matter jurisdiction and other significant issues in their legal codes. The sample codes allowed tribes to modernize their legal protocols without having to reinvent the proverbial wheel.

A recent project of NAICJA is addressing the problem of domestic violence on reservations through tribal legal reform. Using a grant from the Department of Justice, NAICJA set out to collect and analyze resources regarding domestic violence for the purposes of ensuring that legislation regarding that social ill is included in tribal legal codes. Continually poised at the forefront of tribal justice, the NAICJA will remain a strong coalition for justice in Indian Country.

Jon'a F. Meyer

See also National Tribal Justice Resource Center; Native American Courts

Further Readings

Doucet, R. A. (2003). *Tribal criminal court clerks manual.* Boulder, CO: National American Indian Court Judges Association.

Kalin, S. (1971). *Criminal court procedures manual: A guide for American Indian court judges.* Washington, DC: National American Indian Court Judges Association.

National American Indian Court Judges Association. (2002). *Tribal criminal court benchbook.* Boulder, CO: Author.

NTJRC to update tribal criminal court benchbook and clerk's manual. (2001). *Tribal Justice Today, 1*(1), 10–11.

Olney, O. N., & Getches, D. N. (Eds.). (1978). *Indian courts and the future: Report of the NAICJA Long Range Planning Project.* Washington, DC: National American Indian Court Judges Association.

Richland, J. B., & Deer, S. (2004). *Introduction to tribal legal studies.* Walnut Creek, CA: AltaMira Press.

Websites

National American Indian Court Judges Association: http://www.naicja.org

National Association for the Advancement of Colored People (NAACP)

The National Association for the Advancement of Colored People (NAACP) is one of the most influential and successful civil rights groups in America. Its mission is to guarantee political, educational, social, and economic equality for all persons and to abolish racial discrimination and racial hatred. For nearly 100 years, the National Association for the Advancement of Colored People has taken its fight for racial equality and the protection of civil rights across the United States and now globally. Though the organization struggled through its humble beginnings and suffered much controversy and adversity throughout the 1900s, today there are more than 390,000 members worldwide. This entry first reviews the NAACP's intricate history and then describes its recent achievements and key objectives.

History

Although slavery ended with President Abraham Lincoln's Emancipation Proclamation in 1863, there was still extreme prejudice against African Americans during the 1900s. African Americans suffered from poorer living conditions, limited job opportunities, and were often treated like lesser citizens than were White Americans. Likewise, African Americans of the South had taxation without representation, since only Whites were allowed to vote. At that time, both African American and White activists decided to answer "The Call" to help combat these racial injustices.

The NAACP was originally known as the National Negro Committee and was officially founded on February 12, 1909, in New York City. Its founders included Ida Wells-Barnett, Henry Moskowitz, Mary White Ovington, Oswald Garrison Villard, William English Walling, and later W. E. B. Du Bois. They chose this founding date because it was the 100th anniversary of Abraham Lincoln's birth. W. E. B. Du Bois, a well-known scholar from Atlanta University, had previously been part of the civil rights group called the Niagara Movement. The organization was limited to African Americans and was suffering from insufficient funds. In 1910 many prominent members decided to join both organizations' forces and became the NAACP.

That same year, the *Pink Franklin* case represented the NAACP's first landmark legal battle when the organization defended a Black farm worker who claimed he killed a police officer in self-defense after that officer broke into his house at 3 a.m. to arrest him. Although the organization lost this case in the U.S. Supreme Court, it set a precedent for the NAACP's legendary brothers, Joel and Arthur Spingarn, to defend African Americans' civil rights in the courtroom. Three years later, however, to the shock of many people, President Woodrow Wilson sanctioned segregation in the U.S. government. The NAACP immediately formed united public protests. More demonstrations were launched in 1915 by the NAACP, to protest the movie *The Birth of a Nation,* which was perceived as a highly racist film.

In 1917, the NAACP won a significant legal battle when the Supreme Court ruled that states could not formally segregate residential neighborhoods. In that same year, the NAACP won a legal battle to allow African Americans to become officers during World War I. A year later, after continual protests by the NAACP, President Wilson spoke publicly against the horrible atrocity of lynching. Even though Atlanta, Georgia, was a prominent KKK region, the NAACP held their annual conference there in 1920 to demonstrate to the nation that they would not be frightened into hiding. Two years later, the NAACP put prominent advertisements in key newspapers nationwide that taught about the realities of lynching.

In 1930, the NAACP successfully launched protests against John Parker, a nominee to the Supreme Court who publicly supported discriminatory laws. These protests set a precedent for future victorious NAACP protests against judicial nominees whom they believed would not support civil rights. Subsequently, in 1935, NAACP attorneys Charles Houston and Thurgood Marshall won a legal victory that required the University of Maryland to admit its first African American student. At the beginning of World War II, the NAACP commenced efforts to guarantee that President Franklin Roosevelt would create nondiscriminatory policies regarding federal jobs and industries pertaining to

the war in 1941. In 1945, the NAACP again launched national protests when the government stopped financially supporting the Federal Fair Roosevelt Employment Practices Commission.

During the 1930s through the 1950s, Harry T. Moore, the famed NAACP attorney and secretary, investigated numerous lynchings and the Groveland Rape Case, in which four young Black men were accused of raping a White woman. Moore sought an indictment of the sheriff for allegedly murdering one of the defendants. One month after these accusations, on Christmas Day 1951, Moore was killed by a bomb placed underneath the floorboards by his bed. Nine days later his wife Harriette also died as a result of the explosion. As of August 2006, this case had never been solved and was officially closed by the FBI.

In 1954, in one of the most important court decisions of all time, the NAACP attorney Thurgood Marshall won the legal case *Brown v. Board of Education* to desegregate schools. In this landmark case, the U.S. Supreme Court, in a unanimous (9–0) decision, overturned earlier rulings going back to *Plessy v. Ferguson* (1896), with its "separate but equal" philosophy that tried to justify segregation in schools. One year later, in Montgomery, Alabama, Rosa Parks was arrested after she refused to give up her bus seat to a White person. Parks was a member of the NAACP at the time, and her daring efforts sparked the beginning of the grassroots movement to fight for African American civil rights throughout the entire nation.

In 1960, after a series of nonviolent sit-ins in Greensboro, North Carolina, more than 60 restaurants eventually desegregated. Yet despite many efforts of the NAACP to lead nonviolent protests and rallies, Medgar Evers, the NAACP's first field director, was murdered in front of his home in Jackson, Mississippi, in 1963. However, 1964 marked an historic year in which Congress passed the Civil Rights Act, which banned segregation in public places including schools, government, housing, and employment that invalidated the southern Jim Crow laws. One year later, Congress passed the Voting Rights Act, which outlawed the use of literacy requirements for voting, a practice that had discriminated against poor and less educated African Americans. The NAACP began a nationwide effort to encourage African Americans to register to vote. These efforts have continued through the present day, and the NAACP continues to encourage minorities to vote.

Recent Achievements

The fight for African American civil rights by the NAACP has continued into the 21st century. On January 17, 2000, the NAACP held its largest civil rights gathering when it protested in Columbia, South Carolina, against those who honored the Confederate Battle Flag. Furthermore, on July 9, 2007, the NAACP held a mock funeral to bury the N-Word in Detroit, Michigan, and to draw national attention to help eliminate the use of racist and degrading slurs. Hundreds of attendees celebrated putting to rest the N-Word to help combat the use of images in rap and hip hop music that demeaned Black women and promoted "hurtful and false stereotypes" of Black youth.

Key Objectives

Today, the NAACP has six major objectives through which they endeavor to improve the lot of those suffering from racial inequality. These objectives include civic engagement, criminal justice, economic empowerment, education, health, and international affairs.

Civic Engagement

The first key objective of the NAACP is helping more minorities vote and become actively involved in the governmental decision-making process. In 2004, only 56.3% of African Americans voted, compared to 60.3% of Whites. To help combat these racial discrepancies in voting, the NAACP provides information to educate people of color on how to register and why they should vote. The "Arrive W 5" campaign encourages African Americans to bring five friends or family with them to vote on Election Day. In addition, the NAACP strives to ensure the ballot-counting process is fair and that every vote is counted.

Fairness in the Criminal Justice System

The second goal is eradicating the discrimination toward minorities in the criminal justice

system. The NAACP promotes the idea that there is a racially disproportionate number of African Americans in the prison system because of the cumulative effects of judicial system discrimination against African Americans during street interrogation, jury selection, trial, sentencing procedures, and appeal processes. Specifically, the NAACP has focused on several target areas of law enforcement and the court system in which they strive to increase racial equality. For example, the NAACP has worked toward ending the practice of racial profiling.

The NAACP also strives to guarantee equal treatment of minorities during trials and sentencing procedures. One example of unequal treatment in the criminal justice system is the ability of offenders to pay for an upscale jail cell for nonviolent offenses, and they may receive cleaner, more private cells with special privileges like listening to iPods or working on computers. In turn, the NAACP tries to help those incarcerated minorities and those recently released from prison have access to voting, higher education, and job training. Last, the organization is against the death penalty for anyone until the racial inequalities are addressed, since a much higher proportion of African Americans receive the death penalty.

Economic Empowerment

The third key objective of the NAACP strives to improve minority economic empowerment and help decrease economic inequalities among races. In 2006 the median income for households by race was $64,238 for Asians, $52,423 for Whites, $37,781 for Hispanics, and only $31,969 for African Americans. Besides decreasing the racial gap in yearly earnings, the NAACP also strives to create programs to help more minorities buy their own homes.

Raising the Quality of Education

The fourth objective of the NAACP is to eliminate racial inequalities in education by raising the quality of education for those of color. In 2006, the percentage of people with a high school diploma or higher education was 91% for Whites, 87% for Asians, 81% for African Americans, and 59% for Hispanics. To help raise minority education standards, the NAACP has numerous educational programs that aim to make school resources more equitable, obtain more qualified teachers, encourage parent involvement in their children's education, increase child literacy, oppose school voucher programs, increase school attendance, lower dropout rates, and provide scholarships to disadvantaged children.

Better Health Care

The fifth vital objective of the NAACP is to improve the overall health of minorities. The NAACP has created programs to help eliminate racial inequalities and increase minorities' access to affordable, quality health care. The organization strives to lower the disproportionate number of African Americans who get infected with HIV, AIDS, and respiratory diseases. At the same time the NAACP is working to decrease African American obesity-related diseases, such as heart disease, diabetes, and hypertension.

Global Civil Rights

Last, the sixth objective of the NAACP strives to decrease the racial inequalities of minorities throughout the world by supporting global civil rights and improving international economic equality. For instance, although sub-Saharan Africa holds most of the earth's natural resources, half of their countries are the poorest in the world. The NAACP continually fights internationally for equal rights, fair trade, increasing the quality of health care, aiding and building democracy, and preventing the genocide and murders of innocent civilians.

Alisa Neilan

See also NAACP Legal Defense Fund; National African American Drug Policy Coalition; National Association of Blacks in Criminal Justice; National Organization of Black Law Enforcement Executives

Further Readings

Associated Press. (2007, July 9). *NAACP delegates "bury" N-word in ceremony*. Retrieved from http://www.msnbc.msn.com/id/19680493

Steinhauer, J. (2007, April 29). For $82 a day, booking a cell in a 5-star jail. *The New York Times*. Retrieved from

http://www.nytimes.com/2007/04/29/us/29jail.html?ex=1335499200&en=904a68b4f0ef0a46&ei=5090

U.S. Census Bureau. (2007, August). *Income, poverty, and health insurance coverage in the United States: 2006*. Retrieved from http://www.census.gov/prod/2007pubs/p60-233.pdf

U.S. Census Bureau News. (2007, March). *Earnings gap highlighted by Census Bureau data on educational attainment*. Retrieved from http://www.census.gov/Press-Release/www/releases/archives/education/009749.html

Websites

National Association for the Advancement of Colored People: http://www.naacp.org

National Association of Blacks in Criminal Justice

The National Association of Blacks in Criminal Justice (NABCJ) is an organization that addresses the need for more equitable treatment of African Americans within the criminal justice system. This entry describes the purpose, historical origin, and activities of NABCJ during the past 2 decades and discusses the disproportional arrests and conviction rates between African American and Whites in the U.S. criminal justice system that led concerned African Americans to form NABCJ.

Purpose and Mission

NABCJ plays an active role in supporting studies, processes, laws, and judicial systems in an effort to correctly address equality issues among African Americans and other minorities in the criminal justice system, particularly with regard to inequalities or at least the human conditions that cause one to have such a perspective. A change agent like NABCJ is needed to address conflict and disparity between ethnic groups living in the same communities. The formation of NABCJ was a prime example of society supplementing the need for more equality.

NABCJ is one such organization created to focus attention on relevant legislation, law enforcement, prosecution, and defense-related needs and practices. One of NABCJ's chief concerns is the general welfare of and efforts to increase influence of African Americans and people of color as it relates to the administration of justice. This national organization was formed to examine and respond to the needs of African Americans, their interests, and the contributions they offer with the goal of administration of equal justice for all as envisioned by the founding fathers. In other words, its focus is upon any injustice found within the justice system.

In the past, African Americans have been frustrated with the lack of representation, participation, and communication within the administration of justice. However, NABCJ members have made huge progress in opening communication networks in the justice system and influencing public policy change through its regional, state, and local chapters. Before the 1970s only a small percentage of African Americans were employed in the justice system, especially in executive leadership positions.

The mission of NABCJ is to instill professionalism and competence within all components of the criminal justice system to better address the needs and uncertainties of African Americans and other minorities, at all levels, in the quest of equal justice for all. The purpose of this organization becomes quite clear when reading the historical purpose/mission statement. As stated on its website, NABCJ has the following objectives:

1. To ensure Black representation and participation as policy makers in the administration of justice nationally, regionally, and locally.
2. To aggressively assist in recruiting Blacks and other minorities for all areas and levels of the criminal justice system.
3. To stimulate research and other documentation related to minorities and the criminal justice system.
4. To actively encourage and support the development of local, community, state, and regional chapters.
5. To serve as a vehicle for input into legislation and public policy formulations in areas of criminal justice related to crime, the administration of justice, and crime prevention.
6. To network with other organizations and groups with similar objectives and interests.

Membership

A large portion of NABCJ's membership comes from the many criminal justice system professionals and community leaders within the United States who are dedicated to the process of evaluating, improving, and working in an evolving criminal justice system. Many NABCJ members have backgrounds in law enforcement, correctional institutions, courts, academia, social work, religious, and other public and community-related programs. Strength can be seen in the growing number of local and state chapters around the country whose members volunteer their personal time to develop a sound and fair criminal justice system. NABCJ chapters are located in the Midwest, Northeast, Northwest, South, Southeast, and Southwest regions of the United States. This undertaking is possible through annual, regional, and state conferences.

Origin

According to Dr. Charles Owens and Jimmy Bell, authors and cofounders of the *National Association of Blacks in Criminal Justice Official History,* at a 1973 conference on "Minorities in the Criminal Justice System" at Chicago State University, several participants expressed a similar dissatisfaction with the coverage of Blacks in the criminal justice system. From February 24 to 27, 1974, the University of Alabama Psychology Department convened the first national conference on Blacks in the Criminal Justice System.

Owens and Bell articulate that changes in the mission of NABCJ have occurred during its approximately 25 years, as the group recognized that it needed to clarify its message in order to reach additional people and become more effective. For example, the NABCJ constitution and by-laws were examined and modified for clarification. Members of the organization reviewed and evaluated key questions in the effort to reach communities throughout the United States.

Direction and Concerns

NABCJ records indicate the association was frustrated with the criminal justice system due to the disproportionate number of African American offenders serving prison time compared to other racial groups. This disproportionate number of African American arrestees has been a principal concern for the members of NABCJ and others because many perceive that it is caused by racial injustice. NABCJ members are committed to reducing the negative disproportional number of African American offenders behind bars by developing and supporting programs that will reduce this imbalance.

NABCJ is currently involved in such pro-jects as reducing the disproportionate minority confinement (DMC) that is ideally aligned with the mission of NABCJ and has adopted DMC as its National Program Plan. A longtime goal of NABCJ is sentencing reform, especially for nonviolent offenders, when other alternatives might be used to create an effective and fair criminal justice system. This type of program would also include the establishment of intervention programs before offenders are released back into their communities. Such programs can provide resources such as job training and housing assistance that can be used by all levels of government and private and nonprivate organizations in the common goal of reducing recidivism.

Since 1974, NABCJ has worked to offer creative and informational presentations, educational workshops, and addresses from well-known and celebrity-status keynote speakers during its annual Conference and Training Institutes. The organization promotes an Annual Conference and Training Institute through their *Commitment Newsletter, Pre-Conference and Training Institute Brochures,* and the *Conference and Training Institute Program Journal.* Such publications provide helpful information about upcoming conferences and training events. NABCJ ensures that the location of each conference and training institute is in a significant area of the country that will enhance training and informational experiences that include culture development.

NABCJ state and national training events also allow students to have the opportunity to meet other students and professionals around the country. During these training events, students who are graduating from high school or attending college are encouraged to participate in the college scholarship programs awarded by NABCJ.

NABCJ continues to be a prime example of a strong and viable organization supplementing and

addressing the need for more equitable treatment of African Americans within the criminal justice system. With sound and tested research on the subject of disproportional incarceration rates of African Americans, we are able to focus more on the causes rather than the symptoms.

Darrell McCloud

See also Disproportionate Minority Contact and Confinement; National Association for the Advancement of Colored People

Further Readings

Case, P. F. (2008). The relationship of race and criminal behavior: Challenging cultural explanations for a structural problem. *Critical Sociology, 34*(2), 213–238. Retrieved from http://crs.sagepub.com/cgi/content/abstract/34/2/213

Gabbidon, S. L. (2007). *Criminological perspectives on race and crime*. New York: Routledge.

Gabbidon, S. L., & Greene, H. T. (2005). *Race, crime, and justice: A reader*. New York: Routledge.

Owens, C. E., & Bell, J. (1994). *National Association of Blacks in Criminal Justice official history 1974–1994* (Vol. I). Durham: North Carolina University.

Prior, R. (2004, July). Adam's Mark hosts criminal justice convention. *Daily Record*. Retrieved from http://www.jaxdailyrecord.com/showstory.php?Story_id=41254

Richburg, H. (2005, July). A message from the chief domestic strategist: Mission possible. *The Commitment: The Newsletter of the National Association of Blacks in the Criminal Justice System, 16*(14), 2, 4.

Sumter, M., & Dyk, G. (2007). The case for diversity in criminal justice practice. *National Association of Blacks in the Criminal Justice System, 16*(1), 18.

National Commission on Law Observance and Enforcement

The National Commission on Law Observance and Enforcement was the first national commission to study crime in the United States. Also known as the Wickersham Commission, after its chair George Wickersham, the commission systematically studied the growing national crime problem that arose in the 1920s. The commission included legal scholars, practitioners, and veterans from various state and city crime commissions. During its work from 1929 to 1931, the commission held hearings, collected evidence, reviewed statistics, and debated policy options. Several issues in the commission reports are related to race and crime, including Mexican American immigrants, the third degree, crime and the foreign-born, and early statistics on prison populations.

The idea for a national crime commission surfaced during the 1928 presidential contest between Republican Herbert Hoover and Democrat Al Smith. For the first time, crime appeared as a significant campaign issue in a presidential election. Prohibition revealed glaring weaknesses within the administration of federal criminal justice. High caseloads overwhelmed the courts, and lack of professionalism hampered proper investigations. People displayed open contempt for the law. Most prominent were "organized crime" figures who led large organizations devoted to violating Prohibition, prostitution, and gambling laws. When these organizations clashed, violence ensued. The organizations became so politically powerful that local law enforcement opted to ignore the problem. As a result, national concern about crime rose.

Hoover made crime a central feature of his campaign and the primary concern of his new administration. As a Prohibition supporter, he talked extensively about the need for better enforcement and the problems associated with the lack of public observance of the law. To address these problems, he proposed a commission to study Prohibition enforcement and recommend changes. Upon taking office, he expanded the study beyond Prohibition to include all federal law enforcement and adjudication.

Within 2 months of taking office, Hoover assembled and convened the commission. Its chair, George Wickersham, had served as attorney general during the Taft Administration and had led the push for antitrust enforcement against large corporations. Other members included federal judges Paul McCormick, from the Southern District of California; William Kenyon, from the Eighth Circuit Court of Appeals; and William Grubb, from the Northern District of Alabama. Other legal practitioners included Monte Lemann, a trial attorney from New Orleans; Kenneth Mackintosh, a Seattle lawyer and former Washington State Chief Justice; and Henry Anderson, former president of the Virginia

Bar Association. Academics included Ada Comstock, the president of Radcliffe College; Roscoe Pound, Dean of Harvard Law School; and Newman Baker, a Northwestern political science professor and former secretary of defense under President Woodrow Wilson. Among the commissioners, Wickersham, Pound, and Baker took the lead.

Although Hoover assembled talented commissioners, the composition of the commission still received criticism. Despite several quality applicants, no racial or ethnic minorities served on the commission. Many prominent African American applicants had sought positions on the commission, hoping to voice their perspectives and address lynching as a national problem. Their efforts failed when Hoover did not select any of them as commissioners and the problem of lynchings did not become a prominent issue before the commission.

On May 28, 1929, the commission held its first meeting. Hoover laid out his intent for the commission in his address to the members. He emphasized organized crime, law enforcement abuses, and the growing rate of law disobedience. He told them that his goals were to determine the cause of these problems and to find resolutions to them. Hoover's speech highlighted the principal concerns he hoped the commission would address, including causes of crime, organized crime, and abuses in law enforcement. Wickersham responded to the president, on behalf of the commission, underscoring the task's importance and complexity.

Having heard Hoover's priorities, the commission continued meeting to divide the work. Several issues rose to the forefront. Prohibition became the central focus of the commission, and its first reports centered on the topic. Criminal statistics also became a prominent topic. Discussions of both topics were complicated by political factors and ideologies. Other important topics included organized crime, crime among the foreign born, and official lawlessness.

The problems arising from attempts to enforce Prohibition and the increase in crime were the driving force behind the commission's creation. The Eighteenth Amendment, which prohibited alcohol, and the Volstead Act, which authorized enforcement, delegated enforcement responsibility to the states and federal government. This was the first time both federal and state governments jointly enforced a criminal law. The ensuing lack of cooperation and coordination permitted large organizations to develop and profit from violating the alcohol prohibition. Because these organizations operated outside the law, they also resolved problems outside the law with violence. The violence led to media coverage, and public outrage ensued.

The public reaction to Prohibition also further polarized the "wet" and "dry" supporters. Both sides found reason to distrust the commission's work. The "wets"—those opposed to Prohibition enforcement—found the study of Prohibition with crimes like murder and rape disturbing. To them, it placed drinking alcohol on the same footing as life and death. The "drys"—those supporting Prohibition enforcement—believed including other crimes obscured the importance of Prohibition enforcement. The political division appeared in testimony presented to the commission. Several Prohibition enforcement agents testified that the government had been gaining ground in its enforcement efforts. One commissioner, Frank Loesch, doubted the testimony based on his experience with the Chicago Crime Commission. He questioned how criminal organizations obtained their alcohol if the federal government was having success keeping illegal alcohol from entering the country.

The debate about enforcement highlighted another major problem the commission sought to address. Charged with determining the reasons for the large increase in crime, the commission first sought to prove crime had increased. To do this, they needed statistics. They found that no reliable statistics existed on criminal justice issues. How to create these statistics, who should do it, and who should store them became another political battleground. In this debate, the scholars on the committee battled the practitioners. The former group wanted an organization apart from the police to collect and maintain the nation's crime statistics. They favored using the Census Bureau because of its experience with the task. The practitioners preferred using the newly formed international association of police chiefs to perform the work. They argued the police organization was best suited for the task because of its familiarity with concerns of local police departments and the trust placed in the organization by its members. The scholars countered the arguments, claiming that if the police maintained their own statistics, then they would manipulate the statistics to support the position

favored by the police. To resolve the dispute, the sides agreed to have the Justice Department collect and store the data. The scholars approved because it placed responsibility with an organization unconnected to the local police departments who collect the data. The practitioners approved because the department also enforced laws and could understand the police function.

Another divisive topic proved to be the report on how law enforcement failed to obey the law. Discussion began about whether it should be included as a topic because of its controversial nature. Some working with the commission thought exposing such acts would generate a tremendous amount of controversy and would overshadow other important work. Others believed official lawlessness was one of the primary causes of the more general condition of law nonobservance. Another faction sought to limit the group's work to police interrogation tactics and violation of the Fourth Amendment. Others believed unfair prosecutions also needed to be included in the report. Ultimately, work was completed on the topic and a report generated. An early draft included several case studies of unfair prosecutions. These studies were omitted from the final report and became a source of controversy and basis for criticism of the commission.

A less contentious issue was the study of crime among the foreign-born. The increase in crime perceived since World War I gave rise to the complaint that the most recent wave of immigrants were more criminal than were "native" Americans. Studies in the late 1920s had found this was not the case. As part of its work in this area, the commission undertook another study to determine if current immigrants were more criminal than people already living in the country. The findings indicated that those entering the country were no more likely to commit crime than those already living in the country.

By July 1931, the commission had produced 14 volumes of reports. Topics ranged from Prohibition to the workings of the federal court system and from the prosecution function to the costs of crime. Due to the lack of statistical information to support their conclusions, the commission's reports were seen as a catalogue of ills without adequate remedies. The commission was also keenly aware that any statements made would be used for political purposes to support one argument or another. This was particularly true with regard to recommendations about Prohibition. This position caused many to disregard the findings of the commission.

Despite the generalities, some changes did come about as a result of the commission's work. The most lasting change was the work on crime statistics. The compromise reached by the commission to house statistics with the Department of Justice has withstood the test of time. The U.S. Supreme Court, during Earl Warren's tenure as Chief Justice, also incorporated some of the commission's recommendations on procedure, such as the law of arrests and the process by which jurors are examined. Other procedural recommendations were adopted later. For example, the commission made recommendations on revisions to the juvenile justice process. Congress acted on these recommendations and amended the juvenile justice statutes applicable to the federal courts. Finally, some aspects of the reports held academic value. For example, the work on costs of crime touched on the phenomenon of "organized crime." The term quickly became synonymous with those who operated rackets in urban communities. However, the commission also applied the term to those in legitimate businesses who committed crime. Later, sociologist Edwin Sutherland, who worked with the commission, took advantage of the cooptation of "organized crime" to coin the term "white-collar crime." This distinction has become significant in both law enforcement and criminal justice research.

Overall, after initial attention upon their release, the reports did little to alter the day-to-day work of criminal justice professionals. They did not solve the crime problem or the overcrowding of the court system. The reports also did not improve Prohibition enforcement or bring about its end. Instead, as one commentator noted 4 years after the reports' publication, the reports were gathering dust on the shelves of college libraries. Along the way the commission encountered both political and funding difficulties that hampered and limited its effectiveness. In the end, the commission expressed many opinions but supported them with few facts. Among its conclusions were that Prohibition should continue with enforcement modifications, crime statistics need to be maintained nationally, costs of crime were exorbitant, immigrants were not more

criminal than "natives," and official lawlessness hampered law enforcement. While its impact immediately following its reporting was limited, the commission's long-term impact has been greater.

Despite little attention at the time, the commission's lasting legacy proved more positive. When President Lyndon Johnson created his Crime Commission, the Wickersham Commission's experience guided the Crime Commission's research and allowed the latter commission to extend its predecessor's findings. The Crime Commission also benefitted from statistics the government collected as a result of the Wickersham Commission's work. More important, the Wickersham Commission brought the problem of crime to the national consciousness. It would soon become a political issue dominating national elections and affecting millions of lives.

Scott Ingram

See also Crime Statistics and Reporting; Immigrants and Crime; Organized Crime; Police Use of Force; President's Commission on Law Enforcement and Administration of Justice

Further Readings

Booth, D. A. (1969). On crime commission reports. *Polity, 2*, 92–99.

Calder, J. D. (1993). *The origins and development of federal crime control policy*. Westport, CT: Praeger.

Fausold, M. L. (1985). *The presidency of Herbert C. Hoover*. Lawrence: University of Kansas Press.

National Commission on Law Observance and Enforcement. (1931). *Report on the enforcement of the Prohibition laws of the United States*. 71st Congress, 3d Session, House of Representatives, Document No. 722.

National Commission on Law Observance and Enforcement. (1931). *Reports* (14 vols.). Washington, DC: U.S. Government Printing Office.

Smith, D. C. (1991). Wickersham to Sutherland to Katzenbach: Evolving an official definition for organized crime. *Crime, Law and Social Change, 16*, 135–154.

National Council of La Raza

The National Council of La Raza (NCLR) is the largest Hispanic/Latina/o civil rights group in the United States. Its advocacy work with community-based organizational affiliates has challenged the problems of crime and race throughout their 40-year history as it affects Hispanics/Latinos. The history of NCLR, its partnerships, its activities as they relate to the criminal justice system, and its leadership are discussed in this entry. (The term *Hispanic* indicates a mainstream orientation; *Latino* most often describes the masses. Both are being used to represent all forms of acculturation.)

The National Organization for Mexican American Services (NOMAS), located in Washington, D.C., in the early 1960s, was the first to endorse a need for unification of Mexican organizations; Raul Yzaguirre worked with this group. By the late 1960s, Dr. Julian Samora, Herman Gallegos, and Dr. Ernesto Galarza were commissioned by the Ford Foundation (which had been previously approached for funding by NOMAS) to explore ways that the foundation could help Mexican Americans. These three are the founding members of the Southwest Council of La Raza (SCLR), which predated NCLR. The founding chair of the board was Maclovio Barraza, a union organizer from Tucson. There were 26 members on the board, representing five states: Arizona, California, Colorado, New Mexico, and Texas. Audrey Rojas Kaslow, a probation officer from California, was one of the founding members of NCLR; they had a criminal justice perspective that was sympathetic to the needs of Hispanics/Latinos from the beginning. Gallegos, a San Francisco activist, became executive director.

SCLR received initial funding from the Ford Foundation, United Auto Workers, and the Council of Churches in 1968 to begin activities, influence national policy, and disseminate subgrants. The funding agent was OBECA/Arriba Juntos Center in San Francisco. MALDEF (Mexican American Legal Defense and Educational Fund) was founded and funded in 1968 by the Ford Foundation. MALDEF worked with SCLR, as the organization believed that technical assistance was needed to strengthen grassroots advocacy.

Original affiliates included the Mexican American Unity Council (Texas, 1967), Chicanos Por La Causa (Arizona, 1969), Spanish-Speaking Unity Council (California, 1964), Mexican American Community Programs Foundation, Inc. (California, 1968), East Los Angeles Community Union (California, 1968), Mission

Development Council (California, 1967), and OBECA/Arriba Juntos Center (California, 1965). The first three organizations mentioned received funding from the Ford Foundation in 1972, having previously been granted subgrants under the umbrella organization.

The Southwest Council of La Raza changed its name to the National Council of La Raza in 1972. Soon after, it opened its headquarters in Washington, D.C. The following year, the bylaws were amended to reflect equal male and female representation on the board. Seventy organizations were represented by NCLR by the mid-1970s. The bylaws were changed in 1975 so that NCLR would represent not just Mexican Americans, but all Hispanics/Latinos. The president of NCLR was regarded as the spokesperson in 1979.

By 1980, there were 125 affiliates and six field offices of NCLR: Albuquerque, Chicago, Dallas, south Texas, Phoenix, and San Francisco. There were some financial difficulties as their staff fell by half by 1987 due largely to government cutbacks. However, NCLR was able to offset some of the losses by the development of their Corporate Advisory Council, which was formed in 1982. The first organizations on the council included Coca-Cola, The Equitable, Gulf, G. D. Searle, General Motors, and Time, Inc. Donald Rumsfeld and James Lee, CEOs of two of these companies, were instrumental in recruiting other corporations for sponsorship of NCLR. An AIDS center was established in 1988 with a 5-year grant from the Centers for Disease Control.

The Office of Institutional Development was initiated in 1990 to lend credence to NCLR's organizational acumen; it had 90 sources of funding by this time. NCLR is one of the board members of the Independent Sector, a coalition of hundreds of nonprofit organizations. NCLR received even more prominence nationally in the 1990s. Twenty-five years of existence saw 158 affiliates serving 39 locations, including Washington, D.C., and Puerto Rico. In 1993, there were 23 corporations on the Corporate Advisory Council. A grant from Kellogg was the impetus behind leadership development training in 1991 meant to ultimately benefit the Hispanic/Latina/o community. NCLR has partnered with other organizations to fight discrimination in housing as well. Some of these organizations include the National Fair Housing Alliance and the Children's Defense Fund. The home ownership program has assisted African Americans and Whites in addition to Hispanics/Latinos.

NCLR has been involved in criminal justice issues from its early days. Civil rights and justice are topics of concern, and the organization worked with MALDEF in 1972 on its National Conference on Administration of Justice and the Mexican American. MALDEF had these conferences from 1970 to 1982. Much of the work has been in racial profiling and juvenile justice issues. For instance, NCLR provided testimony to Congress regarding racial profiling in 2001. Since 1999, NCLR has called for hiring more Hispanic/Latina/o police officers to curb the problem with racial profiling in their communities. This is analogous to what the NAACP has suggested would alleviate police harassment among African Americans. However, an increase in the number of police officers whose cultural background matches communities being served has not stemmed the issue to a great degree. A panel moderator at the NCLR Conference in 1999, Roberto Rodriguez, noted that quandary when he talked about minority officers stereotyping. According to a newspaper article in the *Houston Chronicle*, written by Jo Ann Zuniga, Carmen Joge, a panelist, cosigned suggesting that minority police officers were not exempt from being abusive. These comments were in response to the acting assistant U.S. attorney general at that time proposing that officers of color take the lead in tackling racial profiling.

Letters indicative of hate crimes were sent to NCLR, MALDEF, and other Hispanic/Latina/o organizations in 2002. It was reported by Gwendolyn Crump in the *Sacramento Bee*. The letters were filled with white powder that tested negative for anthrax.

In 2003, NCLR formed coalitions with the Mexican American Unity Council, First Mexican Baptist Church, Community Council of Southwest Texas, and the Association for the Advancement of Mexican Americans to form the Texas Criminal Justice Project. The project is designed to explore alternatives to incarceration and focus on disseminating information about problems in criminal justice regarding Hispanics. The following year, the Texas Coalition Advocating Justice for Juveniles, consisting of community- and faith-based organizations, juvenile justice experts, and

youth advocates, was formed. Its recommendations included initiatives for nonviolent offenders to be given the opportunity to benefit from community-based alternatives and changing the way that abuse and neglect in the Texas Youth Commission facilities are investigated.

Analysis of criminal and juvenile justice policies spurred NCLR to publish its 2004 seminal report, *Lost Opportunities: The Reality of Latinos in the U.S. Criminal Justice System,* in conjunction with coauthors at the Center for Youth Policy Research and the Office of University Outreach and Engagement, Michigan State University. They presented their findings to Congress in which they suggested that Hispanics/Latinos are overrepresented in the penal system; they are 3 times more likely to be imprisoned than are their White counterparts. NCLR's president suggested at this time that criminal justice issues were the focus of the modern civil rights era. The organization reported on obstacles such as language barriers from arrest to sentencing, as well as immigration violations. It was called a "lost opportunity" due to the criminal justice system's overdependence on punitive measures (expensive) over rehabilitation (inexpensive).

The Latino Juvenile Justice Network (LJJN) aims to foster relationships among affiliates in order to challenge the juvenile justice system's current state. Cassandra Villanueva coordinates the network, which exists in four states: Pennsylvania, Illinois, Washington, and Louisiana. Four issues of concern to LJJN include (1) disproportionate minority confinement, (2) antigang laws resulting in harsher treatment of Hispanic/Latina/o youth, (3) trying juveniles as adults, and (4) community support after juvenile confinement. As well, the network is considered one of the MacArthur Foundation's Models for Change Initiative. As a NCLR project, LJJN has partnered with Congreso de Latinos Unidos in Philadelphia to educate Hispanic/Latina/o parents and their children regarding their interactions with law enforcement and assurance that their civil rights are not compromised. LJJN also planned to host a community forum on this issue in Reading, Pennsylvania.

NCLR has been an advocate for documented and undocumented immigrants. For instance, it was instrumental in granting temporary legal status to those from El Salvador and Nicaragua through passage of the Moakley-DeConcini Bill as early as the 1980s. However, NCLR does not support open borders, undocumented immigration, or amnesty. Current efforts to curb immigration have many Hispanics/Latinos believing they are being unfairly targeted, according to Michele Waslin, NCLR's director of immigration research.

A newspaper article by Mark Minton in the *Arkansas Democrat Gazette* from November 2007 reported on the Urban Institute's finding that immigration raids historically and currently tear families apart. The report was conducted for NCLR, and it also noted that children are hurt in the end as oftentimes they are U.S.-born citizens, but their parents are undocumented. In the study of three raids that took place between December 2006 and March 2007 in Colorado, Nebraska, and Massachusetts, 900 adults were arrested who had 500 children.

NCLR has fought against the CLEAR (Clear Law Enforcement for Criminal Alien Removal) Act since its introduction in 2003 to Congress. Variations of it are designed to criminalize immigration matters. For instance, the NCIC (National Crime Information Center) database would swell if the names of suspected immigration violators were added; this is one of the measures that have been proposed as part of the CLEAR Act. It also allows for local and state law enforcement to work with Immigration and Customs Enforcement for enforcement of federal laws.

The current president of NCLR is Janet Murguía; the board chair is Andrea Bazán. There are eight regional offices: Atlanta, Georgia; Sacramento, California; Los Angeles, California; Phoenix, Arizona; Chicago, Illinois; New York, New York; San Juan, Puerto Rico; and San Antonio, Texas. The Raul Yzaguirre Building opened in 2007 in Washington, D.C., the location of NCLR's national office, in anticipation of the organization reaching its 40-year milestone. Since 1993, the number of affiliates has nearly doubled; many of them are community-based organizations. The Corporate Board of Advisors (formerly the Corporate Advisory Council) has grown to include 27 corporate partners.

Marilyn D. Lovett

See also Gringo Justice; Latina/o Criminology; League of United Latin American Citizens

Further Readings

Garza, S. (2003, July 16). Minorities fill state prisons: Group's program aims to shed light on disparity shown in study. *San Antonio Express-News,* pp. 1B, 5B.

Lash, S. (1999, December 15). Wanted: More Latino police: Racial profiling at core of groups' push to recruit. *Houston Chronicle,* p. A11.

McKay, E. G. (1993). *National Council of La Raza: The first 25 years.* Washington, DC: National Council of La Raza.

Websites

National Council of La Raza: http://www.nclr.org

National Criminal Justice Association

The National Criminal Justice Association (NCJA) is a nonprofit organization that represents state, tribal, and local government efforts that focus on community crime prevention and control. The NCJA has issued policy statements that address key issues specific to minorities and their roles as victims, defendants/prisoners, and professionals within the criminal justice system. The entry examines the mission of the NCJA and policy statements that focus specifically on race and ethnicity.

Mission

From its inception in 1971, the Washington, D.C.–based NCJA's primary purpose has been to serve as a formal mechanism among state, tribal, and local governments and federal agencies. NCJA members collaborate with local law enforcement, court and corrections officials, educational institutions, and elected officials in order to identify pressing crime concerns. The crime concerns are then communicated to federal agencies, Congress, and public and private agencies.

The NCJA has identified numerous components of their mission. They direct the focus of state, tribal, local, and federal governments to the needs of the criminal and juvenile justice systems and provide support for the development of criminal and juvenile justice policy. They support the public and all levels of government in achieving public safety by coordinating education, community, and social service agencies and serve as a catalyst for the consideration, promotion, and implementation of effective criminal justice policies and practices. Last, they advocate for resource support and act as a go-between for the different branches and levels of government.

Policy Statements

In the 1990s, the NCJA responded to community crime concerns regarding minorities' unequal representation within the criminal justice system. They issued two policy statements that address the status of minorities within the American criminal justice system.

Minorities and the Criminal Justice System

African Americans and Hispanic Americans are disproportionately over- and underrepresented within the criminal justice system. They are characterized by a high victimization rate and are significantly more likely to become murder victims than are nonminorities. They comprise a large majority of felony defendants for robbery, drug offenses, youth held in custody for a violent offense, and are also overrepresented in custodial juvenile justice facilities. African Americans and Hispanics are considerably more likely to go to prison in their lifetime than nonminorities. Conversely, minorities are significantly underrepresented in the employment sectors of policing, courts, corrections, and law.

The NCJA policy statement addressing these issues demands that policymakers and officials continuously address criminal justice issues focused on African Americans and Hispanic Americans. They suggested that the following issues regarding racial minorities be focused on and addressed in a systematic manner:

- Overrepresentation of minorities in the juvenile and adult criminal justice populations and underrepresentation of minority employment in law enforcement, legal professions, corrections, and membership in the NCJA

- Conscious and unconscious tensions and stresses between minorities and law enforcement personnel
- Accurate reporting of racially motivated hate crimes
- Minorities as crime victims
- Racial profiling by law enforcement
- Equal access to the court system
- Effects upon parole and probation
- Unintended racially biased effects of drug laws and enforcement strategies
- Racially disparate sentencing patterns

The NCJA policy stipulated that among others, government officials, law enforcement, educational institutions, and human service organizations must be included in the solution to this dilemma.

Native Americans and the Criminal Justice System

While Native Americans' minority status is analogous to that of African Americans and Hispanic Americans, they are distinct in their manner of legal representation and governing. The NCJA reiterates that Native Americans have a constitutional right to self-govern and that in order to understand the unique situation of Native Americans, policy- and lawmakers must familiarize themselves with tribal government systems.

Native Americans are significantly more likely to be victimized by non–Native Americans and have disproportionately higher interracial victimization rates than Caucasians or African Americans. Native Americans are less than 1% of the nation's population, yet both males and females of Native American status become the victims of violent crime at double the rate of all other races. Native Americans are overrepresented in the state prison system, the federal prison system, and arrests for public order crimes. They are underrepresented in all employment sectors of the criminal justice system.

The NCJA policy suggested that the following issues regarding Native Americans be focused upon and addressed in a systematic manner:

- Failure of law enforcement in Indian Country to meet public safety needs
- Rise of serious and violent crime in Indian Country
- Lack of adequate resources in Indian Country
- Overrepresentation in the criminal justice system as both victims of crimes and criminal defendants
- Underrepresentation of Native Americans in the employment sectors of criminal justice
- Conscious and unconscious racial profiling
- Unintended racially biased effects of drug laws and enforcement strategies
- Inaccurate reporting of racially motivated hate crimes
- Equal access to the criminal justice system
- Standards by which Native American law enforcement personnel are evaluated
- Racially disparate sentencing patterns
- Lack of clarity in jurisdictional boundaries

The NCJA policy recommendations shed light on the unique and distinct experiences of Native Americans within the nation's criminal justice system. The self-governing tribal nations reflect the situations of most minority groups within the criminal justice system with an overrepresentation of victims, offenders, and prisoners and an underrepresentation within employment sectors of the police, courts, and corrections. The NCJA policy recommendations stipulate community involvement, official involvement, and an inquiry into the plight of Native Americans within the criminal justice system.

Alana Van Gundy-Yoder

See also Disproportionate Arrests; Disproportionate Incarceration; Disproportionate Minority Contact and Confinement; Native Americans: Culture, Identity, and the Criminal Justice System

Further Readings

Bureau of Justice Statistics. (2004). *A BJS statistical profile, 1992–2002: American Indians and Crime* (NCJ 203097). Washington, DC: U.S. Department of Justice, Office of Justice Programs.

Finn, P., & McNeil, T. (1988). *Biased crime and criminal justice response: A summary report prepared for the NCJA*. Cambridge, MA: Abt Associates.

Pope, C. E., Lovell, R., & Hsia, H. M. (2002). *Disproportionate minority confinement: A review of the research literature from 1989 through 2001* (NCJRS NCJ 198428). Washington, DC: U.S. Department of Justice, Juvenile Justice Clearinghouse.

Websites

National Criminal Justice Association: http://www.ncja.org

National Native American Law Enforcement Association

The National Native American Law Enforcement Association (NNALEA) was created as a non-profit organization in the spring of 1993. The organization, which was created by Native American men and women who were working in some area of law enforcement, is open to non–Native Americans and non-law enforcement personnel. The mission statement of NNALEA is "to promote and foster mutual cooperation between American Indian Law Enforcement Officers/Agents/Personnel, their agencies, tribes, private industry and public." NNALEA has three chapters, with the originating chapter in Washington, D.C. There are also chapters in New Mexico and Oklahoma.

Chief Executive Officer

Gary Edwards is the current chief executive officer of NNALEA. Edwards, with the help of other Native American law enforcement officers, helped establish the organization. Prior to his retirement, Edwards spent 28 years with the U.S. Secret Service, achieving the rank of deputy assistant director.

Objectives of the NNALEA

The objectives of NNALEA, as listed on its website, are as follows:

- To provide media for the exchange of ideas and the new techniques used by both criminals and investigators
- To conduct training seminars, conferences, and research into educational methods for the benefit of American Indians in the law enforcement profession
- To keep the membership and public informed of current statute changes and judicial decisions as they relate to the law enforcement community
- To establish a network and directory consisting of Native American enforcement officers/agents/employees
- To provide investigative assistance to Association members within the various aspects of law enforcement investigations
- To promote a positive attitude towards law enforcement in the American Indian community and other communities
- To provide a support group for Native American officers/agents/employees through the utilization of a national organization

Scholarships

NNALEA sponsors two scholarships that are provided to deserving Native American students. One of the scholarships is named after NNALEA member Don Leonard, who was killed in the April 19, 1995, bombing of the Alfred P. Murrah Federal Building in Oklahoma City. At the time of his death, Leonard was on assignment with the Secret Service. Students are awarded scholarships on the basis of their grade point average, a required essay, and an application that shows how they intend to contribute to their community. The scholarships are funded through both private donations and the NNALEA executive board. Scholarships that have been awarded include those for study at the University of Illinois at Chicago, Haskell Indian Nations University in Lawrence, Kansas, and the University of Massachusetts.

Conferences

NNALEA has conducted National Training Conferences across the United States. In October 2007, NNALEA held its 15th Annual National Training Conference in Memphis, Tennessee, with approximately 600 members in attendance. Presentations included "Elements of Homeland

Security," "Methamphetamine/Substance Abuse," "Embracing Tribal Partnerships for Regional Homeland Security," and "Executive Leadership Training." The 15th Annual National Training Conference was accredited by the Council on Law Enforcement, Education and Training (CLEET), allowing Oklahoma officers, federal law enforcement officers, and private investigators to receive 20 hours' credit toward the number of training hours required by CLEET. Speakers at the conference included law enforcement officers from such agencies as the Bureau of Alcohol, Tobacco and Firearms, Department of Homeland Security, U.S. Department of Justice, White House Office of National Drug Control Policy, U.S. Marshal's Service, U.S. Customs and Border Protection, U.S. Secret Service and National Sheriffs' Association. Attendance was limited to Native Americans who were law enforcement officers. Louis Quijas, Assistant Director, Office of Law Enforcement Coordination of the Federal Bureau of Investigation (FBI), spoke at the conference on the FBI's long history of working closely with NNALEA. Members of NNALEA also participated in the Third Annual Crisis Intervention Team Conference in Memphis in August 2007.

Community Involvement

NNALEA is active in its support and partnership of the Boys & Girls Clubs of Indian Country. At their 11th Annual Training Conference, which was held in 2003 in Fort Worth, Texas, a letter from former First Lady Laura Bush was read. The letter from Mrs. Bush expounded on the importance of providing positive experiences and opportunities for Native American youth and praised the work of Boys & Girls Clubs in America, especially as it related to youths in Indian country. NNALEA also works with the Department of Justice Office of Community Oriented Policing (COPS), the Alcohol, Tobacco and Firearms Gang Resistance Education and Training (GREAT) program, the Indian Health Service, and the Bureau of Indian Affairs–Office of Law Enforcement Services in an effort to increase opportunities for Native American youths. In 2007, the shoe company Nike provided 19,000 pairs of shoes to Native American youths. NNALEA assisted in the cost of shipping these shoes.

2006 National Congress of American Indians Resolution

In the 2006 National Congress of American Indians Resolution #MIC-06-011, it was noted that NNALEA had developed a method of collecting data on Homeland Security needs and on tribal law enforcement. It also addressed the fact that NNALEA's "approach is to work directly with tribal leaders and with local tribal law enforcement professionals to evaluate current conditions and identify current tribal law enforcement needs" and that it shares "the information that it collects with the duly elected Tribal Governments of each tribe that it surveys and with their law enforcement agencies."

Awards

NNALEA presents numerous awards to both Native Americans and to individual Indian tribes. In 2006, NNALEA named Navajo Division of Public Safety Director Samson Cowboy as Professional of the Year in recognition of his outstanding work in improving the emergency services of the Navaho Nation and his work with the regional homeland security initiative. Also in 2006, the Cocopah Indian Tribe was awarded the Unity Award for its outstanding leadership in working with federal, state, and local law enforcement agencies.

Debbie Mills

See also Methamphetamine; Native Americans; Tribal Police

Further Readings

National Congress of American Indians. (2006). Resolution in support of NCAI law enforcement study and NCAI sponsored 2006 Law Enforcement Conference (Resolution # MIC-06-0111). *Proceedings of National Congress of American Indians*. Retrieved from http://www.ncai.org/ncai/resolutions/doc/MIC-06-011_Law_Enforcement.pdf

Websites

National Native American Law Enforcement Association: http://www.nnalea.org

National Organization of Black Law Enforcement Executives

The National Organization of Black Law Enforcement Executives (NOBLE) is a national nonprofit organization of higher-ranking professionals in law enforcement agencies across the United States. Calling itself the "The Conscience of Law Enforcement" and following the motto "Justice through Action," its leadership and membership, representing six regional and nearly 50 state and local chapters, supports Blacks in leadership roles of governmental law enforcement agencies. With a focus on unity and training, through its conventions, symposia, projects, publications, advocacy, and initiatives, it has sought to further awareness and advancement of shared issues of Blacks in supervisory roles of law enforcement and in urban communities. In addition, for more than 3 decades, NOBLE has been in the forefront of promoting awareness about several important issues related to race and crime, including the importance of community-oriented policing, the eradication of racial profiling and hate crimes, as well as others. This entry describes the founding of NOBLE, its mission, activities, governance, and growth.

The Founding of NOBLE

NOBLE was founded in 1976 during a 3-day urban crime symposium cosponsored by the Police Foundation and the Law Enforcement Assistance Administration (LEAA). In attendance were 60 top-ranking Black law enforcement executives—delegates from 24 states and 55 major cities—who together immediately recognized a need for organizational unity to address mutual issues of concern. As a result, the existing conference agenda was altered in favor of discussions and debate related to forming NOBLE, electing its leadership, and establishing its mission and purpose. Hubert Williams, then-director of the Newark, New Jersey, Police Department, was unanimously elected as the founding executive director.

This was the first organized exchange of ideas among high-ranking Black law enforcement officers about urban crime and associated socioeconomic conditions in urban communities. It also was the beginning of an ongoing conversation at the executive level about racial biases in the administration of justice, police–community relations, and the hiring and promotion of Black police officers. Since then, NOBLE has provided a unified voice of opinion and experience to influence the criminal justice system and a platform for its growing membership to share their concerns and challenges. While crime control was the concern within which NOBLE was born, its beginnings can be traced to the urban civil unrest of the 1960s, which was exacerbated by a breakdown of communication and lack of trust between Blacks and White police supervision. As pointed out by Lloyd Sealy, a founding member, in a paper presented at the 1976 conference, analysis of the failures in police response to riots, civil unrest, and urban crime concluded that Black representation was needed in the sworn ranks of police departments to develop new policies and procedures. The founding members of NOBLE agreed that Black law enforcement executives could have a significantly more effective impact upon the criminal justice system and related issues of concern through a unified voice.

Many of the 60 founding members led major urban police departments or educated young colleagues entering the profession, including men such as Lee Brown, William Bracey, Vernon Gill, and Lloyd Sealy and a few women. It is notable that the impetus for its founding came from a woman, Peggy Triplett, then the special assistant to the director of the National Institute for Law Enforcement and Criminal Justice. Triplett, who is known as the "Mother of NOBLE," had the idea for NOBLE and organized the now-famous 1976 conference initiative. NOBLE has long supported Black women who rose to executive roles in law enforcement; at present a large percentage of women are full members and two women have served as the organization's president.

Mission, Principles, Purposes, and Objectives of NOBLE

The stated mission of NOBLE is "to ensure equity in the administration of justice in the provision of public service to all communities, and to serve as the conscience of law enforcement by being committed to justice by action"; this has been shortened to the motto "Justice by Action." There are seven guiding principles to which all members of NOBLE are committed: respect, uncompromising integrity, courage of convictions, accountability, community, diversity, and mentoring. The stated purposes of NOBLE are still quite close to those agreed upon at its 1976 inception: to unify Black law enforcement officers at executive and command levels by offering means of communication and exchange of information between them and a platform with which they can voice their concerns. Organizational activities and publications seek to present relevant research in law enforcement, with which NOBLE can recommend legislation and establish effective means and strategies for dealing with racism in the criminal justice system and sensitize the criminal justice system to the problems of the Black community. There is also an ongoing effort to outreach to and establish linkages and liaisons with organizations of similar concern.

Activities of NOBLE

The activities of NOBLE grow out of the group's general mission and include research, publication, training, advocacy, and conferences, as well as working for equity for Blacks in law enforcement and in urban communities. Foremost are activities that carry out their mission of involving minority executives in law enforcement in policy and procedure decision making and implementation at the highest levels. Under the umbrella of NOBLE, its members and leadership have consulted and testified on a variety of criminal justice issues affecting law enforcement executives and the Black community to Congress and local governments as well as individual law enforcement agencies. Over the years, issues of interest have focused upon community-oriented policing, technical assistance and training, as well as advocacy against excessive use of deadly force, hate crimes, racial profiling, and racism.

NOBLE provides platforms for discussion and forums for unifying and supporting Black law enforcement executives through training, fellowships, symposia, publications, and its website. Fellowships, internships, and mentoring programs are available to NOBLE members in order to facilitate participation in organizational leadership, training, and professional support. NOBLE continues to be an active supporter of affirmative action in the promotion of officers of color to sworn ranks, arguing that the standardized promotional tests are biased to White officers and that affirmative action is needed to eliminate discrimination and promote cultural diversity. NOBLE has publicly discussed racism as integrally related to crime, civil unrest, and the need for reform of the criminal justice system including the advancement of Black officers. Educational scholarships and travel grants to the annual conference are offered to youth by the national, state, and local chapters. Local chapters continue to provide outreach on a number of matters of concern to the Black community, including distributing their pamphlet, *The Law and You: A Guide to Communicating With Law Enforcement Officials*.

A yearly opportunity for networking, unifying, and support, NOBLE's annual training conference presents relevant practical, technological, and global issues in policing and offers attendees the skills and training required for promotion and advancement taught by faculty tapped from the membership. In addition to chapter, committee, and business meetings, the bulk of the conference is dedicated to workshops, symposia, and presentations offering the opportunity to earn continuing education units and exchange ideas. Each conference now includes a CEO symposium, a women's symposium, and, a youth leadership conference. Major political figures often address the conference; proclamations and resolutions are ratified by the membership; and awards are presented to accomplished members as well as community leaders and innovators furthering civil rights.

Advocacy for community-oriented policing began by assisting police departments in Newark, Detroit, and Houston that implemented some of the first programs using community-oriented policing strategies (COPS), which was developed by NOBLE through a grant from the Ford Foundation in the 1980s. In consortium with

other organizations and funded by the U.S. Department of Justice, NOBLE continues to offer technical assistance, training, and policy and procedural recommendations to implement and improve community-oriented policing programs in law enforcement agencies. Related initiatives focusing on police responses to domestic violence, victim assistance programs, police stops, child safety, and youth leadership can be directly linked to an ongoing enthusiasm within the NOBLE membership for expansion of community-oriented policing programs nationwide.

NOBLE continues to receive government and private support to conduct research, produce publications, and implement related programs providing training and assistance on a number of issues of interest to NOBLE. Reports, pamphlets, training kits, and other publications have resulted from this work, and many are freely available on their website. Publications from NOBLE have provided important data and recommendations on such topics as racial profiling, traffic safety, firearms sales, use of deadly force, family violence, stop-and-frisk policies, traffic safety, law enforcement technology and personnel practices, affirmative action, hate crimes, community-oriented policing, victim assistance and law enforcement personnel practices. NOBLE has recently expanded its areas of concern to include environmental crimes and justice.

The governance of NOBLE is hierarchical, with a national president serving as the CEO of the organization, supported by a national vice president and six regional vice presidents as well as other member-elected officers serving on the executive board. The NOBLE national office is situated in Landover, Maryland, where a small staff, including the president and vice president, coordinate the work and activities of NOBLE national as well as its chapters and committees. Regional chapters are divided into five regional areas of the United States and one international chapter; approximately 48 state and local chapters operate under the regional chapters, with all chapter members belonging also to the NOBLE national organization. Much of the ongoing networking and community outreach of NOBLE is carried out in the regional, state, and local chapters. National committees oversee critical issues, governance, awards, and conferences and are chaired by appointees of the national president or serve also as executive board members and include representatives from the six regional chapters. Levels of membership in NOBLE are based upon the governmental rank, and membership levels change as members are promoted within their agencies; full members are at the command level and higher. A sustaining-level membership is available to businesses and individuals who are not in law enforcement but support NOBLE's mission.

From 60 founding members in 1976, the membership of NOBLE has now grown to well over 4,000 members, representing a diverse group of professionals employed in supervisory roles at a myriad of law enforcement agencies. This expediential growth of membership is a clear indication that the original NOBLE goal to have many more Black officers assume executive positions in law enforcement has been a resounding success; however, the work of NOBLE remains as relevant today as it was over 30 years ago. A study conducted by Thompson in 2003 revealed that the highest ranking members of NOBLE still perceive personal marginalization at all ranks in their agencies. A significant percentage of respondents reported lack of respect from subordinates of all races as well as a corresponding lack of respect from White peers and supervisors. The same study concluded that NOBLE continues to play a vital role of support and guidance in the professional lives of Black law enforcement executives.

Ellen H. Belcher

See also Brown, Lee P.; Community Policing; National Association of Blacks in Criminal Justice

Further Readings

National Organization of Black Law Enforcement Executives. (1982). *Stop—Or I'll shoot: The use of deadly force by law enforcement officers*. Landover, MD: Author.

National Organization of Black Law Enforcement Executives. (1998). *NOBLE: National Association of Black Law Enforcement Executives—Justice by action*. Paducah, KY: Turner.

New head at the helm of Noble. (1998, April 4). *New York Amsterdam News, 89*(16), 44.

Scott, E. L. (1986). *Racial and religious violence: A law enforcement guidebook*. Landover, MD: National Organization of Black Law Enforcement Executives.

Scott, E. L. (n.d.). *Victim Services Program Planning Guide: Suggested activities for police departments.* Landover, MD: National Organization of Black Law Enforcement Executives.

Sealy, L. (1977). The dilemma of the Black police executives. In H. J. Bryce (Ed.), *Black crime: A police view* (pp. 141–156). Washington, DC: Joint Center for Political Studies.

Thompson, R. A. (2005). Black skin–brass shields: Assessing the presumed marginalization of Black law enforcement executives. *American Journal of Criminal Justice, 30*(2), 163–175.

Websites

National Organization of Black Law Enforcement Executives: http://www.noblenational.org

National Tribal Justice Resource Center

The National Tribal Justice Resource Center (NTJRC) was established in 2000 by the National American Indian Court Judges Association with funding from the U.S. Department of Justice and the Bureau of Justice Assistance. The NTJRC is the tribal equivalent of the much larger National Criminal Justice Reference Service (NCJRS). Like its larger cousin, the NTJRC hosts a comprehensive website with materials on all facets of justice in Indian Country (which includes all tribal lands and allotments). In addition to serving as an information clearinghouse, NTJRC provides technical assistance to tribal governments.

In its most visible role, NTJRC serves as a centralized location for grant and funding announcements relevant to justice in Indian Country, a calendar of conferences and other pertinent events, an online message board, and other appropriate information. The organization hosts more than 35 listserv mailing lists related to tribal justice issues, including trial courts, corrections/police, court technology, and other topics. In partnership with the National American Indian Court Judges Association, NTJRC distributes a variety of useful publications and practical guides on tribal courts and justice and hosts digital copies of some publications on their comprehensive website. The organization also provides sample job descriptions for a variety of justice positions ranging from police officers to court workers to employees in detention to grant writers. Solicitations are posted on their website for relevant career opportunities across Indian Country. NTJRC is a clearinghouse for tribal constitutions, by-laws, codes, and charters. The fully searchable collection of these documents on one easy-to-use website means they are available for both the public and tribal governments who wish to analyze how other tribes have dealt with particular issues as models for writing their own laws. The organization also provides model and sample codes for a variety of legal issues (e.g., criminal law, environmental law, and victim services), which can easily be adapted and adopted by tribes as part of their own governing documents. Finally, NTJRC publishes a quarterly newsletter, *Tribal Justice Today,* that is distributed to tribal courts and justice agencies; copies appear on the organization's website for the general public.

In conjunction with the online legal research organization VersusLaw, NTJRC houses a searchable database of court opinions from a growing list of tribes. The online database helps tribes establish precedents and distribute caselaw in addition to showcasing legal opinions that demonstrate that tribal courts are credible courts that deserve comity and respect for their decisions. In the past, locating tribal court decisions was a time-consuming and often frustrating process. The NTJRC database, on the other hand, is easy to search or browse and is available 24 hours a day on the Internet. As more tribes join the court opinions project, the growing database may help establish a general tribal legal jurisprudence.

A useful directory of tribal courts and justice systems on the NTJRC site contains telephone, fax, and address information for all federally recognized tribes and links to the appropriate websites when available. NTJRC has been at the forefront of encouraging tribal courts to create their own websites. Online forms and information improve constituent services (e.g., information is easier to find and clients can download forms and legal information at any time of day) while simultaneously reducing duplication and staffing costs for the hosting court. An additional benefit to independently operated court websites is that they

allow for the appropriate use of tribal languages and symbols, which can both cultivate community understanding of tribal justice systems and play a role in furthering sovereignty.

One of the unique programs offered by NTJRC is the Lending a Helping Hand project, which pairs fledgling tribal courts with more established tribal courts that agree to mentor and assist the newer courts by providing advice, guidance, access to forms, and technical assistance in creating and operating a viable tribal court. Initiatives like Lending a Helping Hand are culturally appropriate arrangements that have great potential to improve justice in Indian Country. Allowing tribes with well-established and respected justice systems to mentor tribes with less advanced systems serves to foster cooperative solutions to common problems and can mutually benefit both mentor and mentee.

The provision of technical assistance is at the center of NTJRC's mission. Along those lines, the organization hosts a toll-free hotline for questions about tribal justice, an online chat-based helpline that is staffed during working hours, and on-site technical assistance and evaluation referrals. On-site technical assistance can involve establishing new justice systems or programming, evaluating current justice initiatives or programming, case management, or other appropriate issues.

Through its service as a clearinghouse and provider of technical assistance, NTJRC has played a strong role in the transformation of tribal justice systems from quaint forums about which few were knowledgeable to modern institutions capable of serving their communities in improved ways. In conjunction with the National American Indian Court Judges Association, NTJRC will continue to play an important role in the support and advancement of justice issues in Indian Country.

Jon'a F. Meyer

See also Native American Courts; National American Indian Court Judges Association

Further Readings

The benefits of having published tribal court decisions online. (2003). *Tribal Justice Today, 2*(2), 4–6.

Charging, L. R. (2005, August). Practicing in tribal courts: A rewarding opportunity. *The Nebraska Lawyer*, pp. 15–19.

New tribal justice system website leads to a treasury of resources. (2001). *Tribal Justice Today, 1*(1), 7.

NTJRC to update tribal criminal court benchbook and clerk's manual. (2001). *Tribal Justice Today, 1*(1), 10–11.

Welcome to the National Tribal Justice Resource Center! (2001). *Tribal Justice Today, 1*(1), 1–2.

Websites

National Tribal Justice Resource Center: http://www.ntjrc.org

National Urban League

The National Urban League (NUL) is the oldest and largest nonpartisan, nonprofit community-based organization of its kind. This organization advocates eliminating racial discrimination and segregation against African Americans and other minority groups in America. The league provides various social services and programs to more than 2 million people every year. It is based in New York City, with functioning affiliates in more than 100 cities in 35 states and the District of Columbia. This topic is related to race and crime due to the role of the National Urban League in combating crime in Black communities and in ensuring that African Americans and other minorities have equal social and economic opportunities in every facet of American life. This entry will outline the National Urban League's mission and strategy, its organizational history, and its efforts toward crime control and prevention in the African American community.

Mission and Strategy

The National Urban League's mission is to enable African Americans to secure economic self-reliance, parity, power, and civil rights. This mission is implemented through a five-point strategic empowerment agenda that targets the local needs of African Americans and other ethnic communities. The points include Education and Youth Empowerment, Economic Empowerment, Health and Quality of Life Empowerment, Civic Engagement and Leadership Empowerment, and Civil Rights and Racial Justice Empowerment.

History

When the U.S. Supreme Court approved segregation in *Plessy v. Ferguson* (1896), it prompted a mass movement of Blacks from the rural South to the cities of the North in hopes for freedom and opportunity. However, Black newcomers to the North realized that they had not fled racial discrimination. Yet, they recognized that they did have something in the North that was not available in the South, which was an opportunity. To take advantage of their opportunities while adapting to their new life and working to reduce discrimination, the Committee on Urban Conditions Among Negros was established. This organization was founded by Ruth Standish Baldwin and Dr. George Edmund Hayes on September 29, 1910, in New York City. The committee eventually merged with the Committee for the Improvement of Industrial Conditions Among Negroes (1906) and the National League for the Protection of Colored Women (1905) to become the National League on Urban Conditions Among Negroes. The name was shortened in 1920 to its current name, the National Urban League (NUL). The NUL aimed to provide counseling to Black migrants, train Black social workers, and bring educational and employment opportunities to Blacks. The organization quickly grew, with 81 members working in 30 cities by the end of World War I. Since its inception, the organization has been instrumental in conducting research that documented educational, housing, health, and employment problems faced by Blacks.

Professor Edwin R. A. Seligman served as chair from 1911 to 1915. Ruth Baldwin took over in 1915. Eventually, Eugene Kinkle Jones led the agency until he retired in 1941. His guidance led the NUL to break barriers to employment through a major expansion of their campaign by boycotting, pressuring schools for expanded vocational opportunities, and prodding for the inclusion of Blacks.

Other past leaders also made momentous contributions to the efforts of the NUL. Lester Granger fought to integrate the racist trade unions and was a major supporter of the March on Washington to contest discrimination in defense plants and in the armed services. Another notable executive director, Whitney Young, Jr., led the league in partnership with the civil rights movement and, most important, worked to abolish poverty through more government and private-sector endeavors. After Young's tragic death, Vernon E. Jordan became the fifth executive director, but was the first to be called the league's president, when the title of executive director was changed to president in 1977. Jordan took the league to new horizons by expanding social services efforts, instituting programs that increased Black voters and addressed energy, environment, and nontraditional jobs and by developing the publication *The State of Black of America*. As the years progressed, there were more great leaders, such as John Jacobs and Hugh B. Price, who also did exemplary work and made great accomplishments that continued to mount the success of the NUL through its advocacy and dedication to making the conditions of minorities better in America.

The NUL's current president, Marc H. Morial, was appointed on May 15, 2003. He has built upon the legacy of the league by rebuilding the movement through his five-point agenda. Morial has acquired more than $10 million in funding, created "NUL on the Hill" a legislative policy conference, obtained a multimillion-dollar fund for minority businesses, and restored the annual *The State of Black America* report, all within his first year.

Crime Control and Prevention

In addition to the many social services and advocacy programs offered by the National Urban League to develop African Americans economically, the organization has also made crime control and prevention in the Black community through public policy one of its top priorities. During the 1980s, the NUL Research Department located in Washington, D.C., was involved in several research projects that addressed race and crime, including the compilation of one of the first bibliographies that included contributions by minority scholars. More recently, as a result of the disproportionate number of Black males in the criminal justice system, the NUL conducted a 6-month study titled "Lockdown: The Race to Incarcerate African Americans," which was a national evaluation of the treatment of Black

male prisoners. The findings unmasked that Black prisoners were not offered ongoing rehabilitation. The report concurred with the National Commission on the Black Male, a NUL initiative, which explores the adverse disparities and trends that affect Black males. Consequently, the NUL has insisted that lawmakers convene to investigate high incarceration rates and look for solutions related to the dubious quality of life for many African American males. The organization has also petitioned for increased vocational training and drug treatment programs for Black inmates.

The league continues in its crime prevention efforts through the recruitment of Blacks for law enforcement positions, seeking out alternatives to incarceration, working on crime prevention and prison reforms, advocating against police brutality and for affirmative action through its program, Community-Oriented Policing Services (COPS), and by conducting media campaigns on crime prevention in the Black community.

Deonna S. Turner

See also Community Policing; Crime Statistics and Reporting; Delinquency Prevention; National African American Drug Policy Coalition; National Association for the Advancement of Colored People (NAACP)

Further Readings

Parris, G., & Brooks, L. (1971). *Blacks in the city: A history of the National Urban League*. Boston: Little, Brown.

Woodson, R. L. (Ed.). (1977). *Black perspectives on crime and the criminal justice system*. Boston: G. K. Hall.

Websites

The National Urban League: http://www.nul.org

Nation of Islam

The term *Black Muslims* refers to the Blacks in America who belong to the Lost and Found Nation of Islam in the West. The Nation of Islam, or NOI, as it is popularly known, was founded July 4, 1930, in Detroit, Michigan, upon the appearance of a man identifying himself as W. D. Fard. The importance of this topic for race and crime lies in understanding the phenomenal growth of Islam, particularly in the Black community, as well as Islam's widespread presence in the penal institutions of North America.

The term *Black Muslim* was popularized after the publication of C. Eric Lincoln's book *Black Muslims in America* in 1960. However, even though others use this name, members of the Nation of Islam do not describe themselves in this way, and they see themselves simply as Muslims. Members of the Nation of Islam describe themselves as lost members of a worldwide "nation" of Islam that had been founded in the west by their "Savior" W. D. Fard after a period of prophesized enslavement. Fard was reportedly born in Mecca on February 26, 1877, the son of a Black father and White mother. He studied for 42 years in preparation for his mission of deliverance and had been in and out of the United States for 20 years before making himself known in Detroit. He produced thousands of converts to his brand of Islam in the city of Detroit. Adherents to the NOI creed joined the ranks through a process of acceptance, filing a form, reciting, and registering. Members who are registered are given an X or a Muslim name in place of the "slave names" they inherited from the period of slavery. In the third year, W. D. Fard identified himself as W. F. Muhammad. He taught one of his converts, Elijah Poole, night and day for 40 months, naming him his supreme minister and assigning 104 books to read on the life of Muhammad ibn Abdullah, the prophet of Islam. He gave him the surname Elijah Karriem and eventually Elijah Muhammad.

Early NOI involvement with the criminal justice system included the arrest of W. D. Fard in Detroit and Chicago. Elijah Muhammad was arrested for refusing to enroll the Muslim children in public schools. Upon W. D. Fard's departure in 1934, internal dissention over doctrine and succession forced Elijah Muhammad to flee for his life for 7 years to Chicago, Milwaukee, and the eastern seaboard. He was arrested by the FBI on May 8, 1942, for sedition and not registering for the draft during World War II. Since Elijah Muhammad was too old for the draft, he argued he was arrested to silence his opposition to Black participation in

the war effort. Many of his male followers were arrested also. They were refused the Muslim holy book, the Qur'an, and were not allowed to follow Muslim dietary laws while incarcerated. On August 24, 1946, Elijah Muhammad was released from FCI Milan, Michigan, and began rebuilding the remnants of the movement. The Muslim presence in the federal system was the genesis of Islam in the criminal justice system.

Elijah Muhammad's rebuilding effort would be greatly assisted by the prison conversion of Malcolm Little. Beginning in 1949, Little corresponded with Muhammad while serving a 77-month sentence in Norfolk Prison Colony, Massachusetts, for breaking and entering. He was released from prison August 7, 1952, joined the NOI, changed his name to Malcolm X, and began rising through the ranks to eventually become minister of the Harlem, New York, mosque and the NOI's national spokesman. His oratory and organizing skills enabled him to establish mosques up and down the eastern seaboard, thereby helping to thrust the NOI into national prominence.

In 1959, Mike Wallace hosted the made-for-television documentary *The Hate That Hate Produced,* which introduced the NOI and Black Nationalism to White America. In this documentary, the Nation of Islam and other Black Nationalist organizations were juxtaposed with the civil rights organizations such as the NAACP and integrationist leaders like Roy Wilkins.

The turbulent 1960s was a time of the rise of Black consciousness, pride, and activism. The civil rights movement, led most notably by Reverend Dr. Martin Luther King, Jr., and the NOI, represented by Elijah Muhammad's national spokesman, Malcolm X, presented White America with a choice between granting African Americans full citizenship rights as demanded by the civil rights movement or allowing Blacks to establish a state or territory in America or elsewhere, as the NOI insisted. Federal law enforcement's response to this dilemma was to step up surveillance and infiltration of the Southern Christian Leadership Conference, the Nation of Islam, and other organizations through the FBI's Counter Intelligence Program, COINTELPRO. Through this program, the FBI attempted to discredit Black leaders and disrupt the organizations they led. Malcolm X's 1964 defection from the NOI, his establishment of the secular nationalist Organization of Afro-American Unity, and his subsequent assassination in 1965 tarnished the image of the NOI. Simultaneously, the conversion of newly crowned heavyweight champion Cassius Clay, Jr., a.k.a. Muhammad Ali, to the NOI in 1964 was equally powerful in regaining legitimacy among the Black masses. Despite the FBI's bugging the motel rooms of Dr. Martin Luther King, Jr., and their documented claims of having successfully engineered the split between Malcolm X and Elijah Muhammad and causing internal dissention in both movements, the demand for civil rights and growth of Islam in the urban ghettos and prisons in America continued unabated. A temporary de facto fusion of the civil rights movement and NOI was brought about by opposition to the Vietnam War.

Muhammad Ali being stripped of his boxing title for refusing to register for the draft and Dr. Martin Luther King, Jr.'s open opposition to the war in 1967 influenced a generation of college-aged youth.

For the NOI, 1965 to 1975 represented a zenith of economic, social, and religious progress and influence under the leadership of Elijah Muhammad. In 1965, Malcolm X was replaced in New York by Minister Louis Farrakhan, head of the Boston mosque, who joined the NOI in 1955. Farrakhan successfully rebuilt the New York mosque and was appointed the NOI national spokesman. By the end of 1974, the NOI had established more than 100 mosques and dozens of schools. It owned tens of thousands of acres of farmland, canning factories, slaughter houses, bakeries, restaurants, apartments, houses, a trucking fleet, and it imported frozen fish and engaged in foreign trade. In 1975, Elijah Muhammad was succeeded by his son Wallace D. Muhammad, who moved the NOI toward Islamic orthodoxy. Imam W. Deen Mohammed, as he would later become known, would lose the support of Minister Louis Farrakhan. In 1978, Minister Farrakhan began to rebuild the NOI according to the teachings of his mentor the "Honorable Elijah Muhammad, Messenger of Allah." Despite the public split, there has not been any reported bloodshed between the two factions. Minister Farrakhan came to the attention of the general American public as a result of his conflict with members of the

Jewish community in the 1980s. He is perhaps best known for leading the Million Man March on Washington, D.C., in 1995.

The Nation of Islam has been criticized as being a Black separatist hate group by some. It has also been hailed for instilling self-esteem, promoting economic self-sufficiency, and reforming criminals by others.

In 2004, the Federal Bureau of Prisons reported that of the approximately 150,000 inmates, 9,000 or 6% sought Islamic religious services (U.S. Department of Justice, 2004). Of those identifying themselves as Muslim, 85% were Sunni or Nation of Islam.

Robert Muhammad

See also Black Panther Party; COINTELPRO and Covert Operations; National Association for the Advancement of Colored People; No-Fly Lists

Further Readings

Accomplishments of the Muslims. (n.d.). [Brochure]. Chicago: Muhammad Temple no .2.

Alexander, E. C. (1981). *Elijah Muhammad on African American education: A Guide for African and Black studies programs*. New York: ECA Associates.

Bennett, L., Jr. (2003). *Before the Mayflower: A history of Black America* (7th ed.). Chicago: Johnson Publishing.

Breitman, G., Porter, H., & Smith, B. (1991). *The assassination of Malcolm X*. New York: Pathfinder.

Clegg, C. A. (1997). *An original man: The life and times of Elijah Muhammad*. New York: St. Martin's.

Farrakhan, L. (1993). *A torchlight for America*. Chicago: Final Call.

Haley, A. (1964). *Autobiography of Malcolm X*. New York: Ballantine.

Lincoln, C. E. (1991). *The Black Muslims in America* (Rev. ed.). New York: Kayode.

Nu'Man, M. A. (1989). *What every American should know about Islam and the Muslims* (Rev. ed.). Jersey City, NJ: New Mind Productions.

U.S. Department of Justice. (2004). *A review of the Federal Bureau of Prisons' selection of Muslim religious services providers*. Washington, DC: Office of Inspector General. Retrieved from http://www.usdoj.gov/oig/special/0404/index.htm

Wilmore, G. S. (1983). *Black religion and Black radicalism* (2nd ed.). Maryknoll, NY: Orbis.

Websites

Nation of Islam: http://www.noi.org

Native American Courts

The ability of governments to regulate their society depends heavily on the ability of their justice systems to respond adequately to crime. The rising crime and victimization rates on American Indian and Alaska Native lands have heightened the attention to this matter for Native American courts. The purpose of this entry is to provide an overview of Native American courts, including the historical development of the court system, the current state of the courts, and some critical issues they currently face. However, it is important to first discuss the context of Indian Country, since it is this population Native American courts serve. (*American Indian* and *Alaska Native* are terms that describe any person whose origins can be traced to North, Central, or South America and who maintains tribal affiliation. For this entry, the term *American Indian* and *Native American* will be used interchangeably to denote both Native American and Alaska Native. *Indian Country* is a term that denotes land belonging to American Indians or Alaska Natives.)

Crime in Indian Country

According to recent census data, approximately 4.3 million American Indian and Alaska Natives live in the United States. Approximately half live in Indian Country, which comprises more than 50 million acres of land spread across more than 30 continental states. Although the majority of reservations and off-reservation trust lands lie west of the Mississippi River, there are some tribes located in the east as well.

Although tribes vary significantly in terms of social, economic, and cultural characteristics, Indian Country is currently experiencing severe social and economic problems. The Native American unemployment rate hovers around 50%, making them the poorest of all minority groups. Their school dropout rate is twice the national average, with many youth dropping out before the

10th grade. With the exception of a few densely populated areas on reservations, most Native Americans live in geographically isolated areas. As a consequence, Native Americans and communities are often characterized by high rates of alcoholism and substance abuse, high suicide rates, poor health, lack of affordable housing, substandard education, a critical lack of jobs, and high crime rates.

Unlike U.S. police departments and courts, it is difficult for tribal criminal justice agencies to collect systematic data because of the lack of resources such as understaffing, funds, data collection systems, and analysis software. It is also difficult to obtain data on court statistics because of the cultural diversity between tribes and court structures. Since criminal offenses can be tried at multiple governmental levels (i.e., tribal, state, or federal court), tribal data collection efforts are further hampered. Statistics that are reported are likely to be underestimated because of victim hesitation to report the crime and the high level of discretion of criminal justice actors. Nonetheless, there are some data available that provide a tentative picture of what Native courts are currently facing.

The National Crime Victimization Survey (NCVS) collects information on violent crimes including rape, sexual assault, robbery, and aggravated and simple assault for persons 12 and older. Based on data over a 9-year period (1992–2001), American Indians experienced 1 violent crime for every 10 residents ages 12 or older. Compared to both African Americans (1 out of 20) and Whites (1 out of 25), Native Americans in this sample were victimized at an alarming rate. American Indians were more than twice as likely as Whites, African Americans, and Asians to experience a sexual assault or rape, aggravated assault, and simple assault. Robbery was the only violent crime for which American Indians were victimized at a rate more similar to African Americans, although it was still double that of other races.

The rate of violent victimization among American Indian women was more than 2.5 times the rate for African American and White females and 5 times greater than for Asian women. American Indians were more likely to be victimized across all age categories, but it was highest for those between the ages of 18 and 24. There was also a great deal of victimization among the elderly. Among persons age 55 or greater, the victimization rate was 22 per 1,000 compared to the overall rate of 8 per 1,000.

Based on these statistics alone, Native American courts have a daunting task ahead of them. As discussed in more detail following, tribal courts must address these social problems while facing a host of other barriers. First, it is important to take a step back and examine the historical development and current context of Native American courts.

Historical Development

Formal court systems in Native American communities are a relatively recent development. It was not until the 1930s that tribes operated their court systems based on their laws, although prior to this they did have formal methods for resolving disputes. Although there are some variations among contemporary Native American courts, there are generally three types of courts: indigenous forums, Courts of Indian Offenses, and tribal courts. (Some tribes also have an appellate review court.) In recent years there has been an increased interest and utilization in specialized courts (e.g., Healing to Wellness Courts). Each is discussed in turn.

The most traditional type of court for Native American communities is called an indigenous forum, or a traditional court. Also referred to as peacemaking or sentencing circles, this approach focuses on mediating cases to the satisfaction of all parties involved. This method encourages the offender to take responsibility and acknowledge the harm done to the victim and the community. Unlike most forms of justice today, this method of justice occurs within the community and stresses the importance of rehabilitation over incarceration. Approximately 20% of tribes with a justice system operate this court system on their reservation.

The Court of Indian Offenses (CFR) was established in the late 1880s by the U.S. Department of Interior and the Bureau of Indian Affairs (BIA) to help tribal communities resolve less serious criminal offenses. It was with this development that Native American values and customs were suppressed in order to promote the philosophy of justice of the dominant society. For example, the majority of judges were non-Native and the codes by which they operated did not reflect the traditional values and customs of Native Peoples. Justice

took place in a formal setting with rules and structures foreign to Native Americans. For many years, this was the most commonly operated court system on reservations. Today, only 25% of tribes with a justice system have CFR courts.

The most common court system operating in Indian Country today is known as a tribal court. First established in the early 1930s with the passage of the Indian Reorganization Act, it was at this time that tribes were encouraged to enact their own laws and establish their own court system to reflect those laws. Under this structure, the courts are controlled by the tribe and tailored to the needs of tribal members. Although some tribes initially could not afford to establish their own court (and thus kept the CFR model), most tribes today (approximately 56%) have established a tribal court. Some of these tribal courts are a hybrid judicial system that incorporates elements of both the indigenous forum and CFR courts. For example, the court may include the dispute resolution elements of the indigenous forum and the due process rights first practiced in the CFR courts.

Similar to the U.S. court system, specialized courts have gained increasing recognition in Indian Country. Healing to wellness courts (also called tribal drug courts or wellness courts) is one example of specialized court that is considered to be of great benefit to tribes. This type of specialized court arose from the drug court movement of the mid-1980s. These courts are considered an important component of the tribal justice system because they address the deleterious consequences of alcohol and drug use in Indian Country. The focus is on rehabilitating the offender through a multidisciplinary approach; the judge, prosecutor, defense counsel, law enforcement and correctional personnel, education experts, and community leaders work together to aide the offender in the recovery and rehabilitation process. Given the high rate of alcohol-related crimes and arrests on reservations, these courts hold great promise for reducing the crime and victimization rates.

Native American Courts: A Contextual Description

In total, more than 200 courts are in operation in Indian Country. They are staffed with approximately 200 judges, 153 prosecutors, and 20 peacemakers. Nearly half of all tribes rely on state courts for judicial services due to a lack of resources and a shortage of personnel. The majority of Native American courts handle criminal misdemeanor cases, such as traffic cases. However, a fair number of courts also hear wildlife offenses, juvenile cases, family law cases, requests for domestic violence protective orders, and civil matters (for example, probate cases). Most felony cases are resolved in the federal or state court. In terms of punishments, the majority of tribes impose some type of intermediate sanction the majority of the time. The most popular sanctions include probation, monetary fines without incarceration, alcohol and/or drug rehabilitation, counseling or therapy, community service, and restitution.

Although there are some similarities between American and Native American courts, there are three important distinctions that make courts in Indian Country unique. First, the jurisdictional scope of American Indian courts is much narrower than American courts. In contrast to state courts with general jurisdiction over all crimes that occur within that state, tribal courts only have jurisdiction over criminal offenses when (a) both the offender and victim are Native American, (b) the crime occurs on the reservation, and (c) the punishment does not result in longer than a year imprisonment or exceed $5,000 in fines.

Second, tribes are not bound by the U.S. Constitution because they are sovereign nations. The Indian Civil Rights Act of 1968 ensures basic rights for individuals processed in the Native American court system. Compared to the U.S. Constitution, this act provides similar protection in some areas but less protection in others. For example, defendants have the right to be read the charges, to confront witnesses, not to be confined, and not to be prosecuted twice for the same offense. However, the act does provide less protection in other areas. It only guarantees the right to a jury of six peers, and there is no requirement for the court to appoint and pay counsel fees for those who can not afford an attorney.

Perhaps the most fundamental difference between the U.S. and American Indian court systems is the difference in the philosophy of justice. The U.S. legal system is an adversarial and conflict-oriented

approach that emphasizes punitive measures to vindicate society for the crime committed. In contrast, the Native American legal system is primarily based on restorative justice, a holistic approach that builds trust relationships between all involved parties to promote healing. Rehabilitation is valued over punitive measures, and traditional sanctions are utilized (as opposed to state-prescribed penalties) to restore the relationship among the offender, the victim, and the community at large.

Critical Issues

Although tribes have made great advancements in their court systems, there are several critical issues that face Native American courts today, including the lack of jurisdiction over non-Indians; sentencing limitations; overlapping jurisdiction; the relationship between tribes and state courts; lack of resources, and the underdevelopment of court infrastructure. Although they are discussed following as distinct issues, there is considerable overlap. Furthermore, these critical issues are experienced at varying degrees because of the economic, cultural, and social variation among tribes.

The first critical issue faced by Native American courts is that they do not have jurisdiction over criminal offenses committed by non-Native Americans. This is true regardless of whether the crime occurred on the reservation or whether the offender lives in Indian Country. Unfortunately, more than half of all crime in Native communities involves a non-Indian offender. Consequently, tribal courts are limited in their ability to effectively address crime in their community and must rely on either the state or the federal court system to administer law.

Another critical issue is the limit on the maximum punishment allowable in Native American courts. Native American courts can not impose punishments that exceed 1 year of incarceration or $5,000 in monetary fines. Since Native courts are unable to impose sentences commensurate to the severity of the act, they are limited in their coercive power to deter crime. This limitation extends to those offenders who need treatment as well. Offenders who need substance abuse treatment for a period of a year or more (e.g., methamphetamine users) are unable to get it from Native courts. The courts are hampered further because detention and correctional facilities on reservations are scarce, they lack sentencing alternatives, and many Indian Nations lack probation and aftercare programs.

Public Law 83-280 (PL-280) is a federal law that transfers criminal jurisdiction to the state government and severely reduces tribal authority over less serious offenses. PL-280 has drastically altered the justice system for more than 70% of all Native Americans living in Indian Country, yet there is very little systematic research exploring the impact on tribal justice systems. Initial research suggests that the passage of PL-280 has resulted in a complex jurisdictional maze by which Native Americans can be subject to tribal, state, and federal criminal jurisdiction. The incomplete understanding of PL-280 has resulted in jurisdictional disputes and increased tribe dependence on the state government for social order. This dependence on external authorities (state or federal) often results in long delays between apprehension and prosecution, if the offender is prosecuted at all.

The historical relationship between tribes and other levels of government has been tenuous. The resistance to communicate, collaborate, and cooperate with each other is evidenced by the unwillingness of courts to honor each other's court rulings. Many times state courts do not enforce protective orders or child support orders from American Native courts. The lack of coordination among agencies during the phases of case processing hinders the ability to track offenders as well as the ability to notify victims of important case proceedings or case status. For these reasons, it is important that all levels of government find more fruitful mechanisms to compromise with each other.

Lack of resources is perhaps one of the most glaring obstacles facing contemporary Native American courts. Recall that the majority of American Indians living in Indian Country live in poverty. The poor economic state of tribes makes it difficult for tribal government to provide adequate resources to assist in crime control. These resources are not limited to funds but extend to personnel to staff the court (judges, attorneys, and other court actors), facilities to support the justice system (courthouses, jails, detention centers), and technology to help the system run efficiently (computers, telephones).

The limited infrastructure of court systems and other social justice agencies also limits the ability of tribes to operate effective justice systems. For example, some tribes lack codes, facilities to house offenders, and training for officers and other court officials. As a result, the Native American courts have a difficult time addressing the concerns raised by the community, victims, and offenders. For example, few tribal communities have shelters or other transitional housing for domestic violence victims and child abuse victims. There is also a great need for long-term advocacy and service programs for victims and offenders. For victims, the trauma is often long lived, and such programs can help the victim heal. Long-term services also help address offender accountability and rehabilitation. Many tribes also have few detention facilities to house offenders prior to trial, thus they are free to live in the community within close proximity of their victims. Native American courts also lack programs and resources to provide offenders, such as GED programs, substance abuse treatments, and vocational training. Finally, lack of clear definitions makes it harder to collect statistics to determine where the courts should be focusing their efforts, resources, and time.

Conclusion

Although tribes have always had formal methods for addressing crime and deviance, the development of the American Native court systems of today are relatively recent advancements. A detailed discussion of the differences between tribes regarding the history, jurisdiction, and structure of their court is beyond the scope of this entry. At the most basic level, some tribes mirror the U.S. court structure and philosophy, many others have retained their indigenous justice forms, and there are those tribes that have created a mix of the two. In recent years, there has also been an increased interest in using specialized courts (e.g., wellness courts) to address specific types of crime.

Despite the advancements made, Native American courts are still faced with a myriad of critical issues that must be resolved, including lack of resources, sentencing limitations, and jurisdictional scope. These issues hinder the courts' ability to effectively address crime in their communities. Yet with increasing frequency, American Native courts are asked to resolve domestic, commercial, and civil cases occurring in Indian Country. Consequently, tribal courts are in a position to reintegrate tribal members with their culture by utilizing traditional forms of punishment. While the future of Native American courts is unknown, it is likely that they will continue to perform the vital function of safety for the communities that they serve.

Jaclyn Smith

See also Indian Civil Rights Act; National American Indian Court Judges Association; National Tribal Justice Resource Center; Native Americans; Tribal Police

Further Readings

Brimley, S., Garrow, C., Jorgensen, M., & Wakeling, S. (2005). *Strengthening and rebuilding tribal justice systems: Learning from history and looking towards the future*. Retrieved from http://www.ncjrs.gov/pdffiles1/nij/grants/210893.pdf

Gross, E. K. (2001). *Evaluation/assessment of Navajo peacemaking*. Retrieved from http://www.ncjrs.gov/pdffiles1/nij/grants/187675.pdf

Jones, B. J. (2000). *Role of Indian tribal courts in the justice system*. Retrieved from http://www.icctc.org/Tribal%20Courts-final.pdf

Perry, S. (2004). *American Indians and crime*. Retrieved from http://www.ojp.usdoj.gov/bjs/pub/pdf/aic02.pdf

Perry, S. (2005). *Census of tribal justice agencies in Indian Country, 2002*. Retrieved from http://www.ojp.usdoj.gov/bjs/pub/pdf/ctjaic02.pdf

Tribal Law & Policy Institute. (1999). *Healing to wellness courts: A preliminary overview of tribal drug courts*. Retrieved from http://www.tribal-institute.org/download/heal.pdf

Tribal Law & Policy Institute. (2003). *Tribal healing to wellness courts: The key components*. Retrieved from http://www.ncjrs.gov/pdffiles1/bja/188154.pdf

Native American Massacres

According to President Abraham Lincoln, the difference between a "massacre" and a "battle" is that there is wanton killing of noncombatants in a massacre. The concept of an Indian massacre might conjure the notion of the slaughter of

White settlers or Indian ambushes of military personnel of the U.S. government. Indeed, there were atrocities and massacres committed by Indians against White settlers. Some of these massacres were used to justify atrocities and violence against the Indians—it was claimed that such actions showed that the Indians were "savages" who deserved harsh treatment. However, it was the Indians who suffered the greatest atrocities and massacres at the hands of White people and the U.S. government.

With the coming of the Europeans to the Americas, vast Indian civilizations fell as the land and way of life of Indians was stripped through treaties, the breech of treaties, and ultimately the forced placement on reservations. Violent and brutal force against those Indians who resisted, bolstered by racist and ethnocentric ideology, produced massacres with impunity at various sites, including Blue River (1854), Bear River (1863), Sand Creek (1864), 104 Washita River (1868), Sappa Creek (1875), Camp Robinson (1878), Wounded Knee (1890), and others. This entry describes the massacres at Jamestown and Sand Creek, as well as Indian resistance at the Battle at Little Bighorn. Last, it reviews the evolution of the Ghost Dance and the efforts by the U.S. government to extinguish it, culminating in the massacre of Indians at Wounded Knee in South Dakota in 1890. These massacres were a part of government actions that took the lives of Indian men, women, and children and destroyed Indian culture in what many Indians view as genocide.

The Arrival of the Europeans

When Europeans came to the Americas, they found whole nations of indigenous people with centralized governments and subsistent economies. Estimates of the indigenous population prior to the arrival of the Europeans, in what later became the United States, range from 5 million to 94 million people. By 1880, after the impact of White-borne and previously unknown diseases, slavery, starvation, and ethnic cleansing on a genocidal level, that population had been reduced to 300,000, and their landholdings were reduced to inconsequential reservations.

When the White settlers came to the Americas, they wanted the land and riches it provided, but they faced the problem of what to do about the present owners of this land. Ideologically, forced removal and violence could be supported by assertions of racial or cultural superiority, economic determinism, or God's manifest will. However, in the beginning the strength of the tribes deterred attempts at military conquest and subjugation. Early White settlers secured footholds with negotiation and purchase. Treaties of peace and concession became the means to obtain land until White settlements were large and strong enough to impose unilateral decision making and to remove indigenous people from their lands as forged treaties were abandoned.

Jamestown Massacre

However, from the very beginning, Indians sometimes fought back. Jamestown was the first successful English settlement in North America. Conflict over land ensued between the settlers and the Powhatans. The colonists were growing tobacco and needed new soil in a few years because the soil nutrients had been depleted. They sought to gain more land for agriculture, while the Powhatans wanted the land for hunting and to remain separated from the colonists. When the Powhatans became aggressive and made small-scale attacks, settlement troops responded by raiding Indian villages. This marked the beginning of the First Anglo-Powhatan War in 1609. The Powhatans were militarily superior and nearly succeeded in forcing the English off the land after they laid siege to the fort in Jamestown. In 1614, the war was ended by a peace agreement, along with the marriage of a chief's daughter to a colonist. This peace lasted until the settlers again began breeching agreements on land. On March 22, 1622, in what is called the Jamestown Massacre, the Powhatans initiated a sneak attack on English settlements surrounding Jamestown and murdered significant numbers of the settlers. The Powhatans did not press the fight after the one-day attack, but it led to 10 years of open warfare between the colonists and the Indians. The English called the attack a "massacre" and used it to justify a war against the "savages." While the Powhatan were initially militarily superior, their number dwindled from warfare and disease, and they were eventually decimated.

Assimilation and the Sand Creek Massacre

As the United States expanded into other Indian lands, more lives from both sides were lost, and more treaties were forged and breeched. With the loss of their land, the Indians lost their ability to subsist off the land using traditional means. As the United States grew dominant, the government adopted a policy whereby Indians were to give up their lands and be placed upon reservations to be dependent upon the federal government and to engage in ranching and farming. Many tribes resisted and were forced onto reservations after government troops hunted them down and destroyed their means of subsistence, including the extermination of the buffalo.

Indians who refused to move to the reservations or engaged in resistance were seen as treacherous savages whose brutal extermination was justified. Support for "search and destroy" missions by White military forces was granted. In 1864, a group of Southern Cheyennes reported to Fort Dyon, in Colorado, to declare their peaceful intentions. After doing so, they set up camp at Sand Creek. They were assured of peace and sent out their able-bodied men to hunt. On November 24, 1864, Colonel John Chivington and troops of Colorado Territory militia attacked the camp and killed 150 defenseless men, women, and children. They mutilated the bodies of dead Indians and created a display of dismembered body parts, and the annihilation was celebrated in Denver.

Resistance and the Little Bighorn Battle

Like the Powhatans before them, some tribes fought back. At the Battle of Little Bighorn, on June 25, 1876, Sioux and Cheyenne warriors killed more than half of the army troopers in the Seventh Cavalry Regiment, including General George Armstrong Custer. Custer was no stranger to massacres. On November 27, 1868, at the so-called Battle of Washita River, Custer led the Seventh Cavalry in a dawn attack on Southern Cheyenne Indians, killing peaceful Indians and burning their village. The attacked village was within the boundaries of the Cheyenne reservation, and a White flag flew over the chief's tipi. Custer reported significant numbers of warriors killed, but the Cheyenne claimed that the majority of the dead were women and children.

Believing that the sacred land of the Sioux contained gold deposits, the U.S. government intended to remove the Sioux and place them on reservations. By 1876, thousands of Indians had slipped away from the reservations. Custer was part of a large military operation that was to force the Indians back to their reservations, and his unit headed into the Dakota Territory. On June 25, 1876, Custer, driven by a need for notoriety and perhaps sheer arrogance, assaulted a very large camp of several Sioux tribes. The Cheyenne, Brule, Oglala, Minneconjou, Sans Arc, and Hunkpapa, under the leadership of Chiefs Crazy Horse, Gall, and Sitting Bull, rose up and slew Custer and his troops. Custer's force was badly outnumbered, and there appear to have been problems with weapons malfunctioning. This resistance and counterattack by Indian forces, and the annihilation of Custer and his men, were seen by the White citizens of the United States as a "massacre," and it marked one of the last major victories by the American Indians. However, the victory resulted in a backlash against any tribe that resisted placement on reservations, resulting in atrocities and the massacre of Indians.

Wounded Knee and Extermination

The situation for Indians was dire by the late 1880s. Many had been placed on reservations, the rations provided by the government were insufficient, and attempts to indoctrinate the Indians into agricultural subsistence had not always been successful. This lack of success was partially due to the nature of the land or environment allotted Indians, and the inability of the Indians to adapt to this new way of life may also have been a factor. Some White observers may have considered the lack of success to be a result of "laziness" and therefore cut back on staples supplied to support Indians on reservations; starvation ensued.

The Ghost Dance

Some Indians turned to mysticism as the answer to suffering. In 1888, Wovoka, a Paiute holy man

and prophet from Nevada, experienced visions showing what needed to happen for the White men to be eradicated and for Indians to resume their former ways of life. He said that the earth would be replenished and inherited by Indians, and that the dead would rise to live eternally without suffering. Wovoka preached that Indians needed to do a host of things to bring this about, including dancing the Ghost Dance. White people called it the Ghost Dance religion because of the doctrine involving resurrection. In addition, some Indians believed that special Ghost Dance shirts could not be penetrated by bullets fired by an attacker or White soldiers.

The Ghost Dance spread to the Lakota Sioux reservations by 1890. The dancing and the excited states of dancers frightened White observers, who saw it as the beginning of an uprising. Authorities of the U.S. government banned the Ghost Dance and called up military troops to have it choked off when the ban did not stop the dance.

An order was issued for the arrest of Chief Sitting Bull, an adherent of the Ghost Dance religion. On December 15, 1890, he was killed during the course of the arrest. Chief Big Foot was also sought out for arrest. When Big Foot heard of Sitting Bull's death, he moved his band toward the Pine Ridge Reservation. While en route they were intercepted by military forces of the United States.

The Massacre at Wounded Knee

On December 29, 1890, Chief Big Foot and his band of followers were camped next to Wounded Knee creek. There were around 350 Indians, the majority of whom were women and children. Big Foot was gravely ill with pneumonia. They were surrounded by approximately 500 troops of the reconstituted Seventh Calvary, and lightweight Hotchkiss artillery weapons capable of rapid firing were pointed in their directions. The U.S. troops were attempting to take away firearms held by the Indians. The Indians did not wish to relinquish their weapons, partially because this was the manner in which they hunted for scarce food. During the stress of forcing the Indians to relinquish their weapons, shooting began between the troops and the Indians. The Hotchkiss artillery weapons were used to shoot down fleeing Indians, including women and children. Firing continued after the Indians were easily overwhelmed and took place even miles away from the site of the initial engagement, as women and children sought to get away. The majority of the band was cut down by the cavalry, including significant numbers of women and children. The cavalry suffered approximately 25 deaths in the engagement, some of whom may have been killed by "friendly fire."

A blizzard began after the fighting and the bodies of the dead were not collected until after it subsided, 3 days later. Some of the Indian dead may have died while hiding from hypothermia. The bodies of the dead were searched out in the snow and returned for burial in a mass grave. The command officer was later charged with murder, but was exonerated. Several members of the military were awarded the Congressional Medal of Honor for "bravery." In 1973, Indian activists including Russell Means and Dennis Banks, and other members of the American Indian Movement (AIM), would stage another confrontation there. Activists occupied the Wounded Knee Massacre site, now called "Wounded Knee II." The occupation resulted in a 71-day stand-off with federal troops.

J. Michael Olivero

See also Domestic Violence, Native Americans; National American Indian Court Judges Association; Native American Courts; Native Americans; Native Americans and Substance Abuse; Tribal Police; *United States v. Antelope*

Further Readings

Andrist, R. (2001). *The long death: The last days of the Plains Indians.* Norman: University of Oklahoma Press.

Bradford, W. (2002). "With a very great blame on our hearts": Reparations, reconciliation, and an American Indian plea for peace with justice. *American Indian Law Review, 27*, 1.

Bradford, W. (2005). Beyond reparations: An American Indian theory of justice. *Ohio State Law Journal, 66*, 1.

Brown, D. (2001). *Bury my heart at Wounded Knee: An Indian history of the American West.* New York: Owl Books.

Churchill, W. (1998). *A little matter of genocide: Holocaust and denial in the Americas, 1492 to the present.* San Francisco: City Lights.

Coleman, N. (2000). *Voices of Wounded Knee.* Lincoln: University of Nebraska Press.

Deloria, V. (1988). *Custer died for your sins: An Indian manifesto*. Norman: University of Oklahoma Press.
Dolan, E. (2003). *The American Indian wars*. Brookfield, CT: Vikings Millbrook Press.
Keenan, J. (1999). *Encyclopedia of American Indian wars 1492–1890*. New York: Norton.
Marshall, J. (2007). *The day the world ended at Little Bighorn: A Lakota history*. New York: Viking.
Mooney, J. (1991). *The Ghost-Dance religion and Wounded Knee*. Mineola, NY: James Dover.
Phillips, C. (2005, December). A day to remember: December 29, 1890. *American History, 40*(5), 16.
Price, D. (2005). *Love and hate in Jamestown: John Smith, Pocahontas, and the start of a new nation*. London: Vintage.
Viola, H. (1999). *Little Bighorn remembered: The untold Indian story of Custer's last stand*. New York: Crown.
Wiley, T. (2004). *Black Kettle: The Cheyenne chief who sought peace but found war*. Hoboken, NJ: Hatch Wiley.

Native Americans

Native Americans have populated the Americas for 20,000 to 30,000 years. It is believed that they came to America from Asia, across a land bridge over the Bering Sound during the last Ice Age. Relics of Native American cultures date to 15,000 years ago. The Native American or Indians, so named by Christopher Columbus, lived a relatively stable life until the arrival of Europeans in the Americas. Tribes occasionally warred among themselves but intermarried at an extremely high rate and coexisted fairly well. The arrival of Europeans resulted in disease, conflict, and near-annihilation of many Native Americans and their cultures. Some early Native American groups and their cultures are now extinct.

Today, approximately 560 Native American tribes are recognized as "sovereign" by the U.S. government. Further, according to the 2000 U.S. Census Bureau, nearly 3 million Native Americans were residing in the United States at the time of the census. While Native Americans account for less than 1% of the American population, they represent 4% of the population under correctional supervision. They are twice as likely to become victims of violent crimes as non–Native Americans, and persons of another race/ethnic group commit at least 70% of the violence committed against Native Americans. Although these numbers are alarming, very little research is available concerning Native Americans and crime. This entry examines Native American history, along with a review of the criminal justice-related challenges faced by this group.

Native American History

When Europeans first arrived on the North American continent, they were met by Native Americans. It is estimated that there were 10 million Native Americans inhabiting America at that time. The arrival of the first Europeans was seen as a good thing by the tribes. Even though the Europeans dressed and looked different, they brought advanced technologies to America. For example, steel tools such as knives and agricultural implements, cookware made of copper and brass, glass items such as mirrors and beads, and weapons that included guns and metal swords were nonexistent in the Americas before the arrival of Europeans. In fact, a number of animals—for example horses, cattle, and sheep—and numerous agricultural products were unknown to Native Americans.

The Native Americans soon began to realize that the Europeans also brought some things that were not compatible with Native American ideals and attitudes. Europeans realized the wealth that could be gained from the vast natural resources that were available in the Americas. Native Americans were content to live in the forest and take what they needed to survive, whereas Europeans saw the forest as lumber and not trees. They viewed the forest animals as products to be harvested and sold for a profit. Soon Europeans saw the Native American as a nuisance and something that should be removed or obliterated.

Europeans also introduced European diseases to Native Americans. For example, Europeans brought with them diseases such as cholera, measles, chicken pox, and smallpox. Native Americans had no natural immunities for these diseases. Measles and chicken pox were common in Europe and seldom deadly; however, they proved devastating to the Native American population. It was common for Native American tribes, infected with these diseases, to suffer mortality rates between 80% and 90%.

Prior to and during the American Revolution, frontier warfare was common among many of the Native tribes and settlers. The warfare was particularly brutal, and there were many atrocities committed by both sides. After the American Revolution, the newly formed United States wanted to expand westward and attempted to purchase Native American lands using treaties. However, this approach was not satisfactory to many states and settlers. Beginning in the early 19th century, a new policy was put in place, forced relocation westward. The Indian Removal Act of 1830 allowed the president to exchange lands west of the Mississippi River to Native Americans for their lands east of the river. However, as the United States expanded farther and farther west, there were no western lands left for resettlement of Native Americans.

Eventually the U.S. government adopted a policy of assimilation. This process involved moving Native Americans onto reservations and teaching them how to farm. It was generally believed that isolating Native Americans on reservations would encourage them to replace their traditional life and culture with European culture, thus, facilitating their assimilation. By the time the federal government began to resettle Indian tribes inhabiting the eastern United States, many of the tribes were already extinct, either from European diseases or government-sanctioned genocide.

Life on the reservations was not fulfilling to the majority of the Native Americans, and conflicts were common. In many instances, conflicts escalated into wars between Native Americans and European settlers. One such conflict culminated in the 1890 massacre of Native Americans by the U.S. Army at Wounded Knee, South Dakota. Military defeats, resettlement on reservations, and the near-extinction of the buffalo, which the plains Indians used for food, clothing, and shelter, resulted in the end of Native American culture as it had been practiced.

Current Native American Status

In 1924, Congress enacted the Indian Citizenship Act, which provided U.S. citizenship to Native Americans. The act was implemented because of the desire of the government for Native Americans to become part of mainstream America and in recognition of the large number of Native Americans who served in the military forces during World War I.

Federally recognized tribes were granted sovereignty and allowed to form their own governments, were granted the ability to enforce both criminal and civil law, to tax, establish membership criteria, and to license and regulate activities on their lands. Like states, the tribes were excluded from waging war, engaging in foreign relations, and coining money. Although the federally recognized tribes are recognized as sovereign entities, the Native American tribes continue to be regulated by the Bureau of Indian Affairs and are not accorded recognition as sovereign nations.

The federal government has never practiced a consistent policy when handling issues relating to Native American peoples. It has been more characteristic of the government to change its policies to the benefit of the government. The effects of this haphazard shifting of policies have been devastating to Native Americans. It has often contributed to the destruction of Native American cultures that had previously held their societies together. Native American people have seen their social, cultural, spiritual, political, and economic beliefs destroyed. Native Americans have been negatively affected in many ways, for example, Native American military defeats, forced confinement on reservations, outlawing of Native languages and cultural practices, cultural pressure, and poverty. All of these contribute to contemporary Native Americans experiencing disproportionate health problems and involvement with criminal justice systems.

Crime and Native Americans

For centuries, Native Americans have experienced government-sanctioned genocide, forced relocation from their homelands, and compulsory assimilation into the dominate culture. When governments needed or wanted the lands inhabited by Native Americans and the Native Americans would not voluntarily move to other locations, the Native Americans were forcefully relocated by the military. When Native Americans did cede land through treaties, the terms were mostly unfulfilled by the government.

Government assimilation policies included outlawing of Native religions and Native languages and forced removal of Indian children from their families so that the children could attend boarding schools to Americanize them. These factors have contributed to a plethora of social problems characteristic of many Native Americans. For example, they have disproportionate rates of poverty, unemployment, and alcohol and substance abuse. These have contributed to a shorter life expectancy than other Americans and a high rate of victimization and incarceration. These factors and others contribute to Native Americans being disproportionately represented in the criminal justice system, both as victims and perpetrators.

Substance Abuse and Native Americans

Like the early European infectious diseases, alcohol has had a significant negative impact on the Native American population. Prior to the arrival of Europeans, most Native Americans did not use alcohol or drugs, even during their religious ceremonies. European traders and explorers introduced alcohol to the Native population. A common practice was for Europeans to encourage the consumption of alcoholic drinks by Native Americans in an effort to dull their senses so the traders could make better trades. Many of the trappers and explorers, if not alcoholics, used alcohol to experience the euphoria of being drunk; therefore, Native Americans learned to use alcohol in much the same way. Many became addicted to alcohol. Reportedly, their reliance on alcohol became much stronger as they saw their lands and culture disappear. As they found themselves caught between two worlds, the disappearing Native American culture and advancing European culture, many used alcohol to ease their feelings of disenfranchisement.

Researchers identified three factors that are predictors of alcohol and substance abuse among Native Americans: ethnic dislocation, identification with non–Native American Indian values, and a lack of familial sanctions. Alcohol usage has accelerated the decline of their culture and culminated in health issues such as hypertension, cirrhosis, heart disease, diabetes, and other long-term medical problems.

Nationally, Native Americans' alcohol dependence rates are 3 times higher than the national average. The Veterans Administration reports that 45% of Native American veterans were alcohol dependent compared to less than 12% of non–Native American veterans. The high alcohol dependency rate among Native Americans has led to elevated crime rates and to devastating health issues. For non–Native Americans, 4.7% of all deaths are alcohol related; these include homicides, suicide, accidents, and deaths attributed to alcoholism. For Native Americans, this percentage ranges from 17% to 19%. In recent years, Native American victims are dying younger; for example, Native Americans ages 15 to 24 are dying from alcohol-related deaths 11.4 times faster than are other Americans in the same age group.

To address the high correlation between alcohol usage and victimization among Native Americans, many Native American criminal justice agencies have made a concentrated effort to enforce all alcohol and substance abuse laws. In jurisdictions where this approach has been initiated, it has been determined that extensive enforcement of these laws is correlated to declines in other types of crime normally associated with alcohol usage. One agency reported a 35% decrease in arrests for other crimes during the period of mandatory arrests of people characterized as exhibiting public intoxication. Even though this finding is encouraging, currently comprehensive data are lacking, as too few Native American criminal justice agencies have implemented this approach to excessive alcohol use.

From 1995 to 2006, Native American arrests for drug offenses rose by 20%, but they accounted for only six tenths of 1% of the total drug abuse arrests in the United States. What is of concern about these numbers is that the drug-abuse arrests are on the rise in Native American communities. In recent years, drug-abuse arrests among Native Americans under the age of 18 have increased by nearly 40%.

Native American Victimization

Native Americans experience violent victimization at a rate that is twice as high as the national average. Bureau of Justice Statistics data reveal that victimization occurs across all Alaska Native

and American Indian age groups, gender, housing locations, and income groups. While it is generally accepted that these rates are high, the precise rate of criminal victimization of Native Americans is not known. This is due to inadequacies in victimization sampling and nonreporting by some tribal police agencies. Some tribes have taken a progressive approach to understanding criminal victimization of Native Americans. For example, with the aid of Tribal Victim-Assistance organizations, they are gathering victimization information using the National Crime Victimization Survey. These agencies are attempting to capture unreported crimes in an effort to provide accurate crime and victimization rates. Tribal authorities and the local Native American communities realize that accurate crime and victimization| data are required in order to develop meaningful policies to address crime, victimization, and related social problems.

Research indicates that Native American perpetrators of violence are more likely to have consumed alcohol before the attack. Not all Native Americans use alcohol or use it to excess. Many drink because there is not much else to do; they are chronically unemployed, underemployed, or have no prospects. Alcohol has the same effect on Native Americans as it has on non–Native Americans. It contributes to a sense of euphoria and aids in removing inhibitions, thus leading to a loss of self-control. When this occurs, a joke or a simple disagreement can escalate to a quarrel or an assault. *Uniform Crime Report* data for 2006 indicate that 33% of all Native American arrests were for drunkenness or protective custody (domestic violence) crimes.

Native American women experience crime victimization at approximately twice the national average. In fact, they experience the highest rate of violent victimization as any group in the United States. It is estimated that three fourths of Native American women have been victims of some type of sexual assault. The likelihood of assault and other victimization contributes to Native American women more likely becoming victims of homicide. Research indicates that homicide is the third leading cause of death for Native American women, with 75% of these victims being killed by an acquaintance or a family member.

Native Americans are also more likely to be victimized by members of other racial or ethnic groups when compared to non–Native Americans. Native Americans report that persons of another race perpetrate 70% of the violence they experience. For example, 60% of Native American victims of assault identify their assailants as White.

Native American Incarceration

In the United States, 4% of Native Americans, ages 18 or older, are under the jurisdiction of criminal justice systems. This per-capita rate is 2.4 times the rate for Whites and about half the rate of Black Americans. The *Uniform Crime Reports* for 2006 indicate that Native Americans are overrepresented in arrest rates for crimes of murder and nonnegligent manslaughter, forcible rape, burglary, larceny-theft, motor vehicle theft, arson, aggravated assault, other assaults, vandalism, prostitution and commercialized vice, sex offenses (except forcible rape and prostitution), offenses against the family and children, liquor law violations, drunkenness, suspicion, and runaways.

Currently more than one third of the Native American population of the United States resides in three states: California, Oklahoma, and Arizona. The states with the highest percentage of their population being Native American are Alaska, New Mexico, and Oklahoma. To fully understand the disproportionate rate of Native American incarceration, we have to look at individual states. A good example would be the state of Montana; currently Native Americans make up 6% of the state's population, yet 16% of its male prison inmates are Native American and 40% of the state's female prisoners are Native American. These numbers only account for Native Americans incarcerated in state facilities and do not take into account local jail populations or the number Native Americans on probation and parole.

Correctional facilities have traditionally been less than sympathetic or hospitable to Native American inmates. Most did not allow Native American prisoners to express their culture. For example, authorities in correctional facilities did not allow Native dress, hairstyle, spirituality, and language. In 1972, a group of Native

American prisoners in Nebraska filed a class action suit in a U.S. district court, *Indian Inmates of the Nebraska Penitentiary v. Charles L. Wolff, Jr.* This suit later became *Indian Inmates of the Nebraska Penitentiary v. Joseph Vitek*. It resulted in a consent decree that stipulated that the Native American inmates be allowed to wear traditional Native hairstyles and to have access to Indian medicine men and spiritual leaders. As a result, correctional officials became cognizant of religious and cultural needs of Native American inmates and made an effort to accommodate these needs of Native American inmates. The decree subsequently provided that accredited courses in Indian studies be made available to Native American inmates.

American Indian Movement

The American Indian Movement (AIM), begun in 1968, encouraged Native Peoples to renew their spirituality and to unite to confront the governments of the American continents regarding treaties and policies the governments used to disenfranchise Native Peoples. The 1960s were a time of social unrest in the United States, and the formation of AIM was a product of the Native American urban relocation movement of the 1950s. AIM, headquartered in Minneapolis, Minnesota, has chapters throughout the United States. One of AIM's mandates is to persuade the U.S. government to fulfill the treaties the governments signed with Native American peoples. This mandate has led to numerous court cases and many violent confrontations.

In November 1972, AIM brought Native Nation representatives to Washington, D.C., and presented the president with *The Preamble and Complete Text of the Trail of Broken Treaties 20-Point Indian Manifesto*. This manifesto articulated 20 points that the United States government needed to address to (a) ensure the protection of Native rights, (b) provide a future that is not dictated by the U.S. government, and (c) reaffirm that Indian people are sovereign people. To date the manifesto has not been addressed by the U.S. government. The AIM movement has been compared to the civil rights movement of the 1960s; however, instead of asking for individual rights, AIM's goal is Native Nation sovereignty.

John A. McConnell and Elizabeth H. McConnell

See also Alienation; Bureau of Indian Affairs; Domestic Violence; Gambling; Indian Civil Rights Act; Indian Self-Determination Act; Interracial Crime; Media Portrayals of Native Americans; National American Indian Court Judges Association; National Native American Law Enforcement Association; National Tribal Justice Resource Center; Native Americans: Culture, Identity, and the Criminal Justice System; Native Americans and Substance Abuse, Peltier, Leonard; Tribal Police; Victim Services

Further Readings

Alvarez, A., & Bachman, R. D. (2005). American Indians and sentencing disparity: An Arizona test. In S. L. Gabbidon & H. T. Greene (Eds.), *Race, crime, and justice: A reader* (pp. 319–332). New York: Routledge.

Bachman, R. (2005). An analysis of American Indian homicide: A test of social disorganization and economic deprivation at the reservation county level. In S. L. Gabbidon & H. T. Greene (Eds.), *Race, crime, and justice: A reader* (pp. 277–286). New York: Routledge.

BigFoot, D. S. (2000). *History of victimization in Native communities*. Oklahoma City, OK: Center on Child Abuse and Neglect.

Bureau of Justice Statistics. (2003). *American Indians and Crime: A BJS Statistical Profile, 1992–2002* (NCJ-203097). Retrieved from http://www.ojp.usdoj.gov/bjs/abstract/aic02.htm

French, L. A. (2003, March). Wounded Knee II and the Indian prison reform movement. *The Prison Journal, 83*(1), 26–37.

Herring, R. D. (1994, July/August). Substance use among Native American Indian youth: A selected review of causality. *Journal of Counseling & Development, 72*(6), 578–584.

National Tribal Justice Resource Center. (2004). *Tribal justice programs: Victims of crime*. Retrieved from http://www.tribaljusticeprograms.org/resources/resources.asp?39

Szlemko, W. J., Thurman, P. J., & Wood, J. W. (2006, October). Native Americans and alcohol: Past, present, and future (Clinical report). *The Journal of General Psychology, 133*(4). Retrieved from http://www.ojp.usdoj.gov/bjs/pub/pdf/aic02.pdf

Native Americans: Culture, Identity, and the Criminal Justice System

Historically, the fate of American Indians has been in the hands of others: politicians, the military, and varying justice jurisdictions at the federal, state, and local levels. Simultaneously, Native Peoples' success was dependent upon functioning in a European-based sociocultural environment that was diametrically opposed to their own social and cultural foundations. The entry reviews the experience of the Native Peoples and the adaptations they have had to make in order to survive. It also examines their perception of and relationship to the U.S. criminal justice system.

First Contact and Conflict

Unlike ethnic minorities that have migrated to the United States, American Indians were indigenous First Peoples. At the time Europeans "discovered" the New World, Native Peoples had developed a remarkable diversity of languages, politics, religious expression, and other cultural patterns. First contact with Europeans brought with it diseases to which tribes had no resistance and no immunity. Populations declined further due to conflicts with the settlers over trade practices and land. Native Peoples greeted the newcomers with hospitality; they were not prepared for the subsequent disputes, in which the policies of European sovereigns promoted the detachment of First Peoples from their land, water, and culture.

As differences between the two races and cultures emerged, Eurocentric procedures set the foundation for Indian policy in the United States. The European legal discourse sought to limit the self-government and land rights of "pagans" and "heathens" with force based on religious justifications.

Paternalism and Dependence

Many of the problems Native Peoples face are a result of contact with Europeans who used the "discovery doctrine" to justify their dispossession and domination of Native Peoples. This doctrine was the guiding practice of dominant culture with Native Peoples and took the form of institutionalized superiority of Europeans over Native Peoples.

Before 1492, Native Peoples controlled their own lives and cultures through inherent powers of government. Their concepts of law, crime, criminal behavior, social controls, restitution, and community were restorative justice oriented. As early as the 1500s, Native Peoples were portrayed as problems to be dealt with in the process of gaining control over the resources of the land. Native Peoples were regarded as simple savages in desperate need of guidance and containment. The use of religion by missionaries in conjunction with the U.S. government coerced First Peoples to establish agrarian Christian communities that were forerunners to the reservations.

The 1600s provided numerous examples of the disenfranchisement of Native Peoples by Europeans through the use of treaties, laws, and military force. They justified their actions with false claims of intellectual and cultural superiority over Native Peoples and a right to the land by divine rights and discovery. Surviving Native Nations forced the Europeans to deal with them on a government-to-government basis. As Native Nations lost their ability to resist through the effects of starvation, disease, slavery, and warfare, they fell under the laws and customs of the invaders.

The 1700s brought the establishment of a U.S. Congress as the authority whose goal was to control Native Peoples rather than preserve peace and protect them. The U.S. Constitution stands as evidence of the relationship between Native Peoples and the federal government. The U.S. Constitution provides that "Congress shall have Power . . . to regulate Commerce . . . with the Indian Tribes." During this period, the United States ultimately negotiated, signed, and ratified nearly 390 treaties with American Indian tribes. The political interest of the United States, at that time, was to keep the tribes happy with the new American government and to keep First Nation tribes from fighting for the English in the American Revolutionary War during 1775 to 1781. Additionally, reservations were established to contain Native Peoples who were at the time considered to be independent foreign nations with no control over their future. The General Crimes Act, passed by Congress, established the first legislative

expression of federal jurisdiction over Native Peoples who commit federal offenses against non–Native Peoples in Indian Country. This statute excludes federal jurisdiction over all crimes involving only Native Peoples in Indian Country.

Allotment and Assimilation

By the 1800s, the U.S. government moved to absorb Native Nations via a twofold process: allotment and assimilation. The Indian Allotment Act (Dawes Act) established Native Peoples' land ownership on the worst land in the country. Assimilation was forced by mainstreaming the Native children via boarding schools and by criminalizing Native Peoples' spirituality. The intended destruction of First Nations and cultures through coercive assimilation and allotment devastated Native Peoples' sovereignty, governmental functions, civil and human rights, and ways of living. With its assertion that Native Peoples were wards of the federal government, the U.S. Supreme Court demonstrated that it would not interfere with the operations of Congress, leaving Native Peoples essentially no legal recourse in their relations with the U.S. government. The destruction of Indian rights and heritage through political, economic, cultural, and religious change characterized the loss of sovereignty the First Nations experienced. Since First Peoples were not the same as they had been at the time of the first contact, newcomers assumed that First Peoples could now be fully assimilated and changed to meet the needs of dominant culture.

Native Peoples quietly returned to many of the old cultural and religious practices in a search to regain their own identity and heritage. Congress responded to the continuance of Native culture through both legal and military aggression. In the process, U.S. policy bestowed federal agents with powers enabling them to control and regulate virtually every aspect of Native life and governmental decision-making processes.

In 1883, the Bureau of Indian Affairs (BIA) launched a direct assault on traditional justice systems of First Nations by establishing Courts of Indian Offenses on most reservations. These courts sought to force First Peoples to abandon their "heathen" practices and terminate their old lifestyles completely. Native Peoples were prosecuted for engaging in customary religious practices (pipe ceremonies, purification, crying for a vision, sun dance, keeping of the soul, puberty rites, throwing of the ball, the healing ceremony, and consulting a medicine person).

The 1834 Trade and Intercourse Act provided a basic framework of relationships for dealing with Indians, but it was not until June 1874 that the first codified laws pertaining to Indian jurisdiction were passed. More than 10 years later, the Major Crimes Act of 1885 was passed; it included a short paragraph dealing with seven major crimes, as a rider to the general appropriation act of that year. The Major Crimes Act divested Native tribes of their jurisdiction over seven felony offenses, but over time it was amended to include 14 felonies. The Assimilative Crimes Act of 1898 permitted the federal government to apply (assimilate) minor state criminal laws to deferral enclaves, such as Indian reservations, where no definitive statement on certain activities had existed before. This legislation was one of many intrusions into tribal affairs by which dominant culture can assume jurisdiction over what it has labeled as criminal offenses.

Indian Rights and Movement Toward Self-Determination

The 1900s brought with them the termination of tribal sovereignty, forcing many Native Peoples into urban areas across many states. Additional power was given to state courts over tribal decisions, including but not limited to land disputes, gaming law, environmental law, intergovernmental agreements, juvenile justice, criminal law, alcohol and substance abuse, child support, and domestic violence.

The Indian Citizenship Act of 1924 granted the right to vote to Native Peoples. However, many states refused to allow Native Peoples to vote, claiming that they were under guardianship and were not competent to vote. It was argued that they were not residents of the states in which they lived if they lived on reservations and that they were therefore ineligible to vote. The Wheeler Howard Indian Reorganization Bill of 1934 would have created separate Indian Courts and self-governing communities that were

empowered to make their own law and make contracts with the federal and state governments. Congress and the BIA heard many debates over the restoration of traditional culture versus assimilation.

The atmosphere of the mid-1940s was one of conformity. Congress decided to resolve the Indian problem through a policy called termination. This was by far the most invasive penetration of law into Native Peoples' lives; it allowed five states to unilaterally assume criminal and some civil jurisdictions over Native lands. Termination ended the federal government's trust and guardian-ward relationship with over 109 Native Nations by abolishing the functions of tribal government and leaving Native Peoples under the jurisdiction of the states. Relocation incentives were offered to Native Peoples, and cities were soon inundated with dislocated Native Peoples who were ill equipped to function in the dominant society. Sovereignty was difficult to maintain when states exercised authority over the tribal land base, the population was heavily transient, and policing on Native land was not a priority. Reservation residents could not rely on police to address criminal activities.

By the 1960s, termination policies were eliminated, and many of the land holdings and services provided by the federal government were restored. A movement toward self-determination and activism replaced the devastating termination policies that had been instituted by the U.S. federal government. During this period the BIA came to be responsible for land, leases, forests, and water resources, internal infrastructure, and economic development. Native governments could apply for federal grants that would enable them to provide jobs and to establish courts, police agencies, and stronger governments. The BIA was also responsible for educational services to Indian students; thus, the agency responsible for Native People's formal initial educational experiences was the same one that had historically implemented governmental abuses of Native Peoples.

In this new period of Indian support, the Indian Civil Rights Act of 1968 was enacted to impose certain restrictions and protections of the U.S. Constitution on tribal governments. The most revealing provisions of the Indian Civil Rights Act of 1968 were the guarantees of the right to free speech, press, and assembly, the right of a criminal defendant to a speedy trial, to be made aware of the charges, and to confront an adverse witness. This legislation guaranteed the right to an attorney in a criminal case and protection against self-incrimination, cruel and unusual punishment, and excessive bail. It also provided that tribal governments could not impose sentences of more than 1 year and/or fines in excess of $5,000 for any offense. Furthermore, it provided for protection from double jeopardy or ex post facto laws, the right to a trial by jury for offenses punishable by imprisonment, equal protection under the law, and due process. Finally the Indian Civil Rights Act stipulated that a writ of habeas corpus would be available in tribal court.

The Indian Civil Rights Act guaranteed many of the protections of individual rights to First Peoples that were included in the U.S. Constitution and applied to all others. It failed to impose the establishment clause, the guarantee of a republican form of government, separation of church and state, the right to a jury trial in civil cases, or the right of a court-appointed attorney for those who could not afford one in criminal cases. Congress contended that it excluded these provisions because it recognized the unique political and cultural status of tribes. First Peoples have difficulty reconciling the words of the Congress with its limited efforts to protect the culture of First Peoples.

Through the 1970s, laws existed to prohibit sacred ceremonies of First Peoples. Sacred ceremonies support First People's culture and spiritual beliefs, which are quite complex and vary by tribe. Conflicts with the dominant culture seem to stem from issues related to access to sacred places that are now designated as national parks or federal land, restriction of sacred items (such as eagle feathers, bones, sacred artifacts, or, in some cases, peyote), and interference with ceremonies by officials or curious onlookers. The American Indian Religious Freedom Act of 1978 was passed to protect traditional religious practices of many First Peoples. However, enforcement of the act remains problematic in that it has functioned more as a policy statement. More recently, additional protections have been provided through passage of the Religious Freedom Restoration Act (1993) and the Religious Land Use and Institutionalized Persons Acts (2000), which provide additional protections for First Peoples.

Another provocative issue in the relationship between First Peoples and the U.S. system of justice is the issue of blood quantum. Federal law requires that an individual be registered with a federally recognized tribe to qualify as a Native American. Presently more than 550 federally recognized tribes have tribal governments recognized by the United States, and there are approximately 300 federal Indian reservations in the United States. Each tribe has its own blood quantum (BQ) requirement, ranging from no BQ required but proof of ancestry to a BQ minimum of five eighths. Once registered with a federally recognized tribe, the individual is issued a tribal card and is listed on a federal registry maintained by the secretary of the interior. Blood quantum requirements will become more problematic as blood lines are diluted by interracial mixing to an extent that the U.S. government is no longer required to count individuals as Native American Indians and thus holds no responsibility for them. The dilution effect is that the American Indian will cease to exist by governmental guidelines, releasing the U.S. government and its agents from any type of economic, social, educational, recreational, familial, or political support. Additionally, an individual cannot be a card-carrying member of two federally recognized tribes. Critics of the blood quantum policy argue that it ignores the fact that being Native carries with it great responsibility—it is not simply a racial and ethnic category that is in dispute. Even before the Dawes Act, labeling oneself an Indian provided a basis for both discriminatory practices and exclusionary practices in American society.

As a nation, the United States has been very slow to acknowledge the impact of history on First Peoples and the need for healing the multigenerational trauma that has been inflicted in the name of justice. Native ways held no value in the dominant culture, and the U.S. system of justice was used repeatedly as a weapon against First Peoples as a measure of social control. Despite attempts to allow self-determination that have strengthened First Peoples' pride and ability to preserve their culture, the loss of Native culture in America is ongoing.

From a criminological standpoint, it is easy to see how the newcomers identified the First Peoples as targets of social control because they resisted, disrupted, or otherwise threatened the structured inequality. Social control is the exercising of social power through a series of institutional constructs. Indian culture is perceived as resistance; resistance is disruptive; therefore, Indian resistance is deemed criminal behavior that requires social control. Criminological research suggests that little change has occurred in First People's communities to heal what is broken. The trust that has been broken between First Peoples and the justice system that provides social control over them remains in severe disrepair. Recognition and support of sovereign nations and interdependent tribal governments that genuinely support First Nation autonomy would be a large first step in reparation. First Peoples have proven repeatedly that they are capable of handling their own criminal justice issues in their own way, and advocates of First Peoples' autonomy have urged that they be allowed to design, implement, and test their own criminal justice systems rather than be forced to abide by an external reviewers set of standards. Some tribes adopted their own terminology in naming their new court system. Early names were Wellness Court, Healing Court, Treatment Court, Alternative Court, and Tribal Wellness Court in an attempt to incorporate two important concepts, healing and wellness. Other tribal courts drew from their Native languages. Native societies have long utilized restorative justice as the means of restoring harmony to the community rather than emphasizing punishment.

The disruption of Native societies continues to affect Native Nations as evidenced by the social problems Native Peoples confront: racism, unemployment, alcohol-related problems, and crime. In early 1999, the Bureau of Justice Statistics released its first compilation and analysis of data on the effects of violent crime among Native Peoples. Since the 1999 report, the Bureau of Justice Statistics has continued to reveal a disturbing picture of Native People's involvement in crime as both victims and offenders. Native Peoples are victims of violent crime at a per capita rate of more than twice that of the U.S. general population. Fifty-two percent of violent crimes against Native Peoples were perpetrated on victims between the ages of 12 to 24 years of age. Native women were victims of violence 50% more than were Black males. Ninety percent of Native victims of sexual assault and rape and 70% of Native victims of violence describe their attackers

as non-Native. BIA and tribal police records indicate most violent crimes on the reservation are Native-on-Native offenses.

Racial stereotyping by law enforcement and judges contributes to Native Peoples being arrested more often, sentenced to longer prison sentences, and receiving lower rates of probation than several other racial groups. In part this can be attributed to a cultural divide in which judges interpret the reluctance of Native Peoples to speak up as a sign of a lack of remorse. In reality, many Native Peoples do not understand the justice system and their rights; consequently they plead guilty without benefit of counsel, even when they are innocent.

For more than 200 years, the U.S. government has attempted to destroy Native societies and their justice systems. Ironically, Native methods of resolving conflict are now of interest to members of the dominant culture who want to update their courts by integrating the concept of restorative justice into their own legal system.

Sharon RedHawk Love

See also Bureau of Indian Affairs; Indian Civil Rights Act; National American Indian Court Judges Association; Native American Courts

Further Readings

Barker, M. L. (1998). *Policing in Indian Country*. New York: Harrow & Heston.

Nielson, M. O., & Silverman, R. A. (1996). *Native Americans, crime and justice*. Boulder, CO: Westview.

Ross, J. I., & Gould, L. (Eds.). (2006). *Native Americans and the criminal justice system*. Boulder, CO: Paradigm.

Native Americans and Substance Abuse

While Native American, Alaskan Indian, and Native Hawaiian societies have traditionally used intoxicating substances in religious rituals, the introduction of alcoholic beverages by European explorers and settlers in the New World can be considered the beginning of substance abuse by the Indigenous people of the United States. This entry reviews patterns and rates of substance use and abuse among Native Americans and examines causes of substance abuse in this population. It then explores methods of preventing and treating substance abuse among Native Americans and discusses the importance of community involvement.

Epidemiology

Substance abuse rates for Native Americans tend to be higher for many substances than rates for non–Native People. Inhalant use among Native adolescents (ages 12–17) is more than 3 times that of non-Natives (32% compared to 9%). Twenty percent of Native American adolescents report having used illicit drugs in the past month, 27% report binge drinking, and 26% report smoking. These rates are the highest of any ethnic group. Methamphetamine production and use is becoming a major problem on reservations, as evidenced by a tripling in the number of seizures in Arizona between 1997 and 2000. Illicit drug use also appears to be increasing among Native Americans nationwide. Treatment facility admittance rates for marijuana abuse increased 86% for males and 57% for females between 1994 and 1999. Cocaine treatment admittance rates increased 25% and 12% for males and females respectively. Similar patterns exist for opiates (100% and 38%) and stimulants (100% and 60%). Females are more likely than males to be in treatment for cocaine, opiates, and stimulants; males for marijuana and alcohol.

Alcohol, however, remains the most seriously abused substance by Native Americans, both on and off the reservation. Five of the top 10 causes of deaths among Native Americans are alcohol related (e.g., homicides, suicides, cirrhosis, accidents). Alcoholism rates among Native People are 3 times that of non-Natives. Nearly one half of deaths of Native Americans in Arizona can be attributed to alcohol, and another 8.5% attributed to drugs. Fetal alcohol spectrum disorders (FASD) are another unfortunate and unintended consequence of high rates of alcoholism in the Native communities of the United States. The FASD rates run as high as 2.5 per 1,000 live births in some communities and as high as 5.6 in Alaska, compared with the .2 to 1.0 rates in the general population.

Clearly, high rates of substance use and abuse have many negative consequences for Native Americans and Alaskan/Hawaiian natives. Many explanations have been suggested, including biological factors that make these indigenous populations more susceptible to alcohol addiction. Most theoretical and treatment models, however, point to societal and cultural factors that contribute to high rates of substance abuse and dependence in Native communities.

Causes of Substance Abuse by Native Americans

Native American adolescents are most likely to engage in substance use and abuse. Not surprisingly, most studies evaluating risk factors associated with substance use and abuse in Native American populations focus on adolescent risk factors. There are three general categories of risk factors: individual level (including peer), family, and school. Native American adolescents are more likely to believe there is moderate to no risk associated with smoking one pack of cigarettes per day than members of other racial/ethnic groups. They are also less likely to believe that their peers disapprove of tobacco or alcohol use than other ethnic groups. Native American youth are also less likely than their non–Native American peers to believe that their parents disapprove of drug use. Poor performance in school has been associated with substance use and abuse among all racial/ethnic groups; Native Americans are more likely than others to report doing poorly in school (averaging a D or lower). There is also a higher perceived rate of peer substance use among the adolescent Native American population than among other groups.

Other explanations of Native American substance use and abuse address more closely the unique experiences of the Native American population as an internally colonized minority, sometimes living in small nations (reservations) within a nation. Among some Native American groups, mind-altering substances have spiritual value through the creation of altered states of consciousness. It has also been suggested that Native American substance use and abuse is a coping response to the stresses of acculturation.

Prevention and Treatment

Most prevention and treatment programs designed for Native American communities are developed around four concepts: the idea that (1) substance abuse affects not just the abuser and his or her immediate family but also the entire community; (2) substance abuse, and particularly alcoholism, in Native American communities is a multigenerational problem; (3) it is a visible indicator of a multitude of larger, societal problems; and (4) it coexists with depression, cultural shame, self-hate, and stress-associated behavior issues.

While some of these concepts are found across racial and ethnic groups, others (e.g., focus on community, cultural shame) reflect the history and structure of Native American society. Many treatment specialists recommend incorporating traditional Native American culture and values into both prevention and treatment programs, emphasizing that in order to successfully prevent and treat substance abuse Native American communities should become directly involved in the process. Gale (1991) suggests the following steps as an antecedent to the creation of prevention programming:

- Have the community define and describe the effect substance abuse has on its members.
- Get community members talking about the problem.
- Ask the community what is currently being done about substance abuse, and to identify what else needs to be done.
- Have a community committee develop, plan, and assign tasks. Encourage innovation in planning activities.
- Get as many community members involved as possible, recruiting volunteers from the community, and use existing community resources.
- When gaps exist, train local community members to fill positions whenever possible.
- If absolutely necessary, use outside resources but ensure that the locus for control and responsibility for resources is kept at the local level.

This emphasis on tradition and community can be seen in programs in use in Native communities throughout the United States. The three most

common programs aimed at preventing Native youth substance use and abuse include (1) programs that emphasize physical activity in tribal environments, which provide excitement and self-esteem; (2) tribal-sponsored mainstream youth organizations such as Boy and Girl Scouts and 4-H, which facilitate self-actualization and self-esteem; and (3) peer support groups incorporating Native American culture and tradition, which are designed to promote a healthy lifestyle. A direct prevention program focusing on Native culture and tradition is the bicultural competence skills approach, which seeks to teach Native youth to blend the skills and traditions from both their traditional cultures and mainstream culture, and use these to help them adapt to living in a bicultural environment and avoiding stress and other factors that may contribute to substance use and abuse. This process also involves enhancing communication skills to assist with self-determination, coping skills to help resist pressure to acculturate or assimilate, and discrimination skills to help learn appropriate behavior patterns in both their native cultures and outside.

While approximately .9% of the population of the United States, Native Americans accounted for nearly 2.5% of admissions to public substance abuse treatment facilities in 1999. This can be interpreted two ways. A more negative view would be that this group is about 3 times more likely to suffer from substance abuse than we would expect; however, this disparity may also indicate a greater willingness in this population to seek treatment than other racial or ethnic groups. Either way, public rehab centers tend to have greater numbers of Native Americans than would be expected. This emphasizes a need for cultural sensitivity and exposure to Native American mores and customs among substance abuse treatment professionals.

As of 2004, 283 of 13,454 (2.1%) public treatment programs served the American Indian and Alaskan Native populations. Most (nearly 61%) were operated by tribal governments, followed by Indian Health Services (12%), or other public or private institutions (27%). These programs targeted Native populations and offered treatment, emphasizing Native language and culture. Thirty-two states offer this type of facility, primarily in the West and Midwest.

Treatment facilities and programs devoted to Native populations are, in many ways, different from other programs. For example, more than 90% of Native-focused treatment programs offer aftercare, compared to 78% of non-ethnic specific ones. They are also more likely to offer family counseling (85% vs. 76%). Surprisingly, Native-focused treatment programs are less likely to serve criminal justice clients than are other facilities.

The Future

There are a number of factors that will continue to make it difficult to address high rates of substance abuse both on reservations and off. In addition to structural factors, such as poverty and unemployment, and individual factors such as stress, cultural shame, and acculturation pressures, the legal status of Native American nations may inhibit all best intentions to reduce substance abuse problems. Tribal justice systems lack the resources to actively seek out, prosecute, and incarcerate offenders. Tribal justice systems also lack jurisdiction over persons who do not belong to their tribe, enabling outsiders to operate with impunity on reservation lands. Finally, as sovereign nations, tribes may not have adopted the federal Controlled Substances Act. Consequently, in some cases, the manufacture of designer drugs and methamphetamine may not even be illegal on tribal lands.

The Department of Justice, along with other federal agencies, offers aid to Native American communities for drug prevention and treatment. Holistic tribal justice techniques designed to control crime and violence related to substance abuse receive support from the Indian Alcohol and Substance Abuse Program. Since 2001, more than $27 million in grants were given to 65 tribes, including technical training and assistance. Tribal courts receive support from the Drug Court Discretionary Grant Program for the creation and implementation of treatment-oriented drug courts.

Despite this bleak picture, there is some evidence that alcohol abuse is decreasing in Native American and Alaskan Indian communities. A 2000 study suggests that the percentage of middle-aged (45 and older) Native men who report chronic drinking behavior was only 3.5%, compared to 7.6% of non-Hispanic Whites. Chronic drinking rates for younger Native American and

White men were similar. Alcohol abuse rates for Native Americans did not increase between 1991 and 2001; all other ethnic groups except Asians saw increases in abuse. Admittance to substance abuse facilities for alcohol abuse by Native Americans decreased 11% between 1994 and 1995. However, admittance for illicit drug abuse increased 78%.

While considerable progress has been made in addressing alcohol abuse in Native communities, it still accounts for over half of those admitted for treatment. Alcohol abuse has been a recognized problem in Native communities and among Native Americans and Alaskan Natives for nearly 200 years. Despite successful prevention and treatment programs, the underlying causes of substance abuse have not been eradicated in Native communities. Illicit drugs appear to have replaced alcohol as the drug of choice for the indigenous people of the United States.

Pamela Preston

See also Drug Use; Native Americans and Substance Abuse

Further Readings

American Indian and Alaska Native Substance Abuse Treatment Services. (2004). *The DASIS report: American Indian and Alaska Native Substance Abuse Treatment Services*. Washington, DC: U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration.

Beauvais, F., Wayman, J. C., Jumper-Thurman, P., Plested, B., & Helm, H. (2002). Inhalant abuse among American Indian, Mexican American, and non-Latino White adolescents. *American Journal of Drug and Alcohol Abuse, 28*(1), 171–187.

Gale, N. (1991). *Fighting alcohol and substance abuse among American Indian and Alaskan Native Youth*. Charleston, WV: ERIC Clearinghouse on Rural Education and Small Schools. (ERIC Digest No. ED335207)

Gerhard, S. (2005). *Prevention and treatment of substance abuse in Native American communities*. Phoenix, AZ: IHS Area Health Summit.

Join Together. (2000, December 12). *Alcohol abuse among Native Americans reassessed*. Retrieved from http://www.jointogether.org/news/research/summaries/2000/alcohol-abuse-among-native.html

National Survey on Drug Use and Health. (2004, September). *Risk and protective factors for substance use among American Indian or Alaska Native youths*. Washington, DC: U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration.

Schinke, S. P., Gilchrist, L. D., Botvin, G. J., Orlandi, M. A., Trimble, J. E., & Locklear, V. S. (1988). Preventing substance abuse among American-Indian adolescents: A bicultural competence skills approach. *Journal of Counseling Psychology, 35*(1), 87–90.

U.S. Department of Health and Human Services. (2007). *Fetal alcohol spectrum disorders among Native Americans*. Washington, DC: U.S. Department of Health and Human Services, Center for Substance Abuse Prevention.

No-Fly Lists

Racial profiling, typified in the phrase "driving while Black," remains an important feature in the study of discrimination in criminal justice. Moreover, the tendency for such tactics to extend to other sectors of social control is being witnessed in the form of "no-fly lists," whereby certain individuals have been barred from boarding commercial aircrafts. Since the hijackings on September 11, 2001, government officials along with airlines have compiled names of persons who may not be permitted access to air travel due to concerns over national security. A closer look at the controversy, however, reveals that those persons have been subject to a distinctive type of profiling that some critics call "flying while Muslim." This entry points to some well-publicized incidents involving no-fly lists so as to illuminate the significance of profiling based on ethnicity, religion, and in some cases political affiliation.

In 2004, while traveling to the United States from London, the plane carrying Yusuf Islam, popularly known in the music world as Cat Stevens, was rerouted to Bangor, Maine, where the aircraft remained for four and a half hours. During the layover, Islam was removed from the plane because agents who detained and interrogated the famous singer said that he appeared on a no-fly list. The government claimed that it had evidence that Islam had donated money to groups suspected of terrorism and chastised United

Airlines for allowing him to board the aircraft. Reaction to the obvious blunder was swift and sharp. Britain's Foreign Minister, Jack Straw, formally criticized the Bush administration for deporting Islam, who has frequently toured the United States. Earlier that year Islam had visited the White House Office of Faith-Based and Community initiatives to speak about philanthropy. In addition to being renowned for his music, Islam is admired for his commitment to charity, such as his fundraising for children victimized in Bosnia.

While the targeting of Islam appears to embody ethnic and religious profiling, the reliability of no-fly lists sheds light on deeper problems that shake the faith of some who question whether the government is actually competent to safeguard its citizens. The degree of mismanagement is at times astonishing (National Commission on Terrorist Attacks Upon the United States, 2004). Senator Edward M. Kennedy, Democratic stalwart and one of the most recognizable faces in Washington, D.C., also had his name appearing on no-fly lists. Between March 1 and April 6, 2004, agents tried to block the senator from boarding airplanes on five occasions because his name resembles an alias used by a suspected terrorist. In one of those incidents, Kennedy was told that he could not purchase a ticket to fly to Boston, and officials refused to give him an explanation. Eventually, airline supervisors intervened and allowed Kennedy to travel, but it took several weeks for Homeland Security to correct the problem.

Due in part to the celebrity status of Islam and Senator Kennedy, greater public awareness is being raised about the no-fly lists and their breach of civil liberties involving persons clearly not involved in terrorism. In 2004, a federal judge in San Francisco accused the government of relying on "frivolous claims" to avoid publicly disclosing who is banned from boarding airplanes on the basis of terrorism risks. The case stems from a lawsuit brought by the American Civil Liberties Union (ACLU) and others in pursuit of information explaining how hundreds of people have had their names entered on the no-fly list since September 11, 2001. In his ruling, Judge Charles R. Breyer determined that the government lawyers had not met their burden of proving that the material was exempt from the Freedom of Information Act. The ACLU estimates that more than 500 people in San Francisco alone have been kept from boarding aircraft because of what the government cites as terrorist concerns. However, many of those barred from flying believe that they were targeted for their strong liberal politics and criticisms of the Bush administration. In one incident in 2002, two dozen members of a group called Peace Action Wisconsin, including a Catholic nun and high school students who were traveling to a teach-in on the war in Iraq, were detained in Milwaukee, missing their flight.

Thomas Burke of the ACLU called the ruling a significant victory in stripping away the secrecy shrouding the no-fly lists. It may also help people who have been mistakenly registered to get their names removed from the lists. The development of the no-fly lists is a tightly controlled secret, but some government officials have acknowledged that the standards for banning certain passengers due to terrorism concerns were "necessarily subjective" with "no hard and fast rules" (Lichtblau, 2004). The original no-fly list grew from 16 names on September 11, 2001, to more than a few thousand by 2004, including about 10,000 names that appear on a secondary list that require that those passengers get closer scrutiny. The lists developed amid signs of internal confusion and dissension over how the list would be implemented. Civil liberties organizations complain that the use of no-fly lists violates airline passengers' constitutional protection against unreasonable searches and seizures and denies their right to due process necessary to correct any mistakes. Moreover, the government has been criticized for its failure to put two of the 9/11 hijackers on the watch list even after their ties to terrorism became known. The controversy over no-fly lists sheds critical light on the rationale for profiling whether based on race, ethnicity, or religion; indeed, that particular form of social control not only is rooted in prejudice but also is self-defeating since it fails to contribute to community safety or national security.

Michael Welch

See also Arab Americans; Profiling, Racial: Historical and Contemporary Perspectives; *State v. Soto*; *Whren v. United States*

Further Readings

Lichtblau, E. (2003, June 19). Bush issues racial profiling ban but exempts security inquiries: Use of race and ethnicity in "narrow" instances. *The New York Times,* pp. A1, A16.

Lichtblau, E. (2004, April 23). Government's "no fly" list is challenged in a lawsuit. *The New York Times,* p. A17.

Lichtblau, E. (2004, June 16). Judge scolds U.S. officials over barring jet travelers. *The New York Times,* p. A19.

Lichtblau, E. (2004, October 9). Papers show confusion as watch list grew quickly. *The New York Times,* p. A9.

National Commission on Terrorist Attacks Upon the United States. (2004). *The 9/11 commission report.* New York: Norton.

Swarns, R. L. (2004, August 20). Senator? Terrorist? A watch list stops Kennedy at airport. *The New York Times,* pp. A1, A18.

Wald, M. L. (2004, September 23). Accusations on detention of ex-singer. *The New York Times*, p. A18.

Welch, M. (2006). *Scapegoats of September 11th: Hate crimes and state crimes in the war on terror*. New Brunswick, NJ: Rutgers University Press.

Welch, M. (2007). Immigration lockdown before and after 9/11: Ethnic constructions and their consequences. In M. Bosworth & J. Flavin (Eds.), *Race, gender and punishment: From colonialism to the war on terror* (pp. 149–163). New Brunswick, NJ: Rutgers University Press.

Norris v. Alabama

America's forefathers wanted to ensure that the principle "all men were created equal" would be a cornerstone of American society. But it took numerous amendments to the Constitution, a civil war, extensive legislation, and significant Supreme Court decisions to ensure that equality applied to all men and women. Racism in America has taken many forms. A keystone to equality is ensuring that the justice system is blind to all factors that could jeopardize liberty and freedom. Every defendant has the right to due process, a fair trial, and to be judged by a jury of his or her peers. When racism restricts the eligibility of any group of citizens from being included in a potential jury pool (*venire*) or serving on a jury, there cannot be a fair trial and justice will not prevail. When the court decided *Norris v. State of Alabama* in 1935, it played a key role in ensuring that all citizens' constitutional rights were protected in America.

The Facts

In March 1931, nine Black youths were arrested and eight were convicted of the charge of rape in Jackson County, Alabama. The Alabama Supreme Court reversed the conviction of one youth, but affirmed the convictions of seven others, including Clarence Norris (*Powell v. Alabama,* 1932). The U.S. Supreme Court heard the case and reversed the convictions for violations of due process of law "upon the grounds that the trial court had failed in the light of the circumstances disclosed, and of the inability of the defendants at the time to obtain counsel, to make an effective appointment of counsel to aid them in preparing and presenting their defense."

After remand to the trial court, the judge granted a motion for a change of venue and the trial was moved to Morgan County, Alabama. The defendant then made a motion to quash the indictment on the ground that Blacks had been excluded from juries in Jackson County. There was also a motion to quash the trial *venire* in Morgan County because of the exclusion of Blacks from juries. (The *venire* is the group of citizens called for possible jury duty from whom the jury will be selected.) The exclusion of Blacks from the jury process is a violation of the defendant's constitutional guarantee of due process. The trial judge denied the two motions. Norris was convicted and sentenced to death. Upon appeal to the Alabama Supreme Court, the conviction was affirmed. The U.S. Supreme Court agreed to hear the case based on a federal question and granted a writ of certiorari.

The U.S. Supreme Court, in *Carter v. Texas* (1900), had confirmed that it is a violation of the Constitution when race is the basis for exclusion of a group of citizens from grand jury service. The court stated that

> whenever by any action of a state, whether through its Legislature, through its courts, or through its executive or administrations officers, all persons of the African race are excluded, solely because of their race or color, from serving as grand jurors in the criminal prosecution of a

> person of the African race, the equal protection of the laws is denied to him, contrary to the Fourteenth Amendment of the Constitution of the United States. (Carter, at 488)

In numerous other cases, the court has also held unconstitutional similar exclusions from service on petit juries. Even when a statute relating to service on juries may be fair on its face, the court will look to the administration of the statute and the impact on jury composition, such as when Blacks are not included among jurors.

The population of Jackson County in 1930 was 36,881; 2,688 were Black, and 666 out of 8,801 males over 21 were Black. Those males who were to be included on the jury roll and in the jury box were to include individuals who were "generally reputed to be honest and intelligent men, and are esteemed in the community for their integrity, good character and sound judgment . . ." (*Norris*, at 591). While the testimony indicated that there were Blacks who were qualified to serve on the juries, neither the clerk of the jury commission nor the clerk of the court was able to identify a Black male who served on a grand jury in the county (in more than 20 years). A review of the jury roll for the year 1930–1931 revealed the names of only six Black men. These individuals were not called for service and it appeared that the names were out of order on the list and may have been added (superimposed) to the list after the fact. The court determined that based on the information available to it, the motion to quash the indictment should have been granted by the trial court.

In 1930, 8,311 of the 46,176 residents of Morgan County were Black. None of the interviewed witnesses was able to recall that any of the more than 2,500 individuals who were called for jury service were Black, even though there were a large number who were qualified for jury service. The trial court inappropriately limited the extensive evidence that the defense wanted to present in support of its motion, to prove their qualifications as jurors. The court found that there had been a "long-continued exclusion of negroes from jury service" (*Norris,* at 599). On that basis, the court determined that the motion to quash movement of the trial to Morgan County where due process would be denied was unconstitutional.

Conclusion

The Supreme Court reversed the judgment of the lower court and returned the case for action consistent with its ruling. The court clearly established that the exclusion of a particular group from jury service based on the color of their skin was a denial of due process and a violation of the Constitution. This decision did not direct that the jury must "include" Blacks or any other group, but it did direct that the "exclusion" of a group based on race was a denial of due process.

The court noted that in *Strauder v. West Virginia,* 100 U.S. 303 (1880), the Supreme Court declared that a statute denying Blacks from service on juries denied the defendant his due process rights guaranteed in the Constitution. In *Norris v. Alabama* there was a racially neutral statute that was implemented improperly; but the racist result was the same. It is amazing that this kind of racism went unabated until the Supreme Court reached its decision in this case. However, other more subtle forms of racism affecting the composition of juries continued for 55 years until the court reached another significant decision.

The Supreme Court continued to ensure due process with more recent decisions. In the case of *Batson v. Kentucky,* 476 U.S. 79 (1986), the Supreme Court denied the prosecution the opportunity to remove Blacks from juries through the exercise of peremptory challenges in criminal cases. In *Edmonson v. Leesville Concrete Co.,* 500 U.S. 614 (1991), the court extended the ruling to civil cases. The court now requires both the prosecution and the defense to strike jurors on race neutral grounds. The courts continue to address issues of race and ethnicity in jury composition (e.g., in *Mattern v. State,* 2007).

Keith Gregory Logan

See also *Batson v. Kentucky*; Jury Selection; *Powell v. Alabama*

Further Readings

Carter, D. T. (1979). *Scottsboro: A tragedy of the American South*. Baton Rouge: Louisiana State University Press.
Carter v. Texas, 177 U.S. 4428 (1900).
Mattern v. State, 2007 WY 24.
Norris v. State of Alabama, 294 U.S. 587 (1935).
Powell v. Alabama, 287 U.S. 45 (1932).

Northeastern University Institute on Race and Justice

The Institute on Race and Justice (IRJ) brings together experts from Northeastern University's College of Criminal Justice, School of Law, Department of Sociology and Anthropology, Department of African American Studies, and School of Education to examine questions on race and justice facing communities both nationally and internationally. The institute works on projects toward the goal of conducting nationally recognized research and providing leadership on race and justice issues. This entry describes the mission and goals of the institute, its history and projects.

Mission and Goals of Institute

The mission of the institute is to utilize strategic social science research methodologies to assist government agencies, educational institutions, and community stakeholders in the development of policy changes to advance the cause of social justice. The institute was founded on the premise that academic institutions can work with communities to provide rigorous and objective information that can be used to influence policy changes that advance the cause of social justice. This research model attempts to enhance scientific inquiries with the input and experiences of community stakeholders who struggle with issues of racial injustice. The coupling of community practitioners and social scientists allows practitioners access to academic input while providing academics with more current and salient ideas about and data on issues in the field.

As part of this combination of traditional empirical questions and community-based problem solving, the institute has brought together members from the community to form an advisory board. The Community Advisory Board provides for close partnerships between community members and organizations. IRJ can then become directly aware of the community's needs, which helps guide the institute's research focus.

Development of the Institute

The institute was established through a generous start-up grant from Northeastern University in August 2001. Its accomplishments would not be possible without the support from Northeastern University's President Joseph Aoun, Provost Ahmed Abdelal, Dean Jack Greene (College of Criminal Justice), Dean Emily Spieler (School of Law), and Dean James Stellar (College of Arts and Sciences). In 2006 the institute received the Presidential Aspiration Award, from then-President Richard Freeland, for its work advancing the urban agenda of the university.

Though IRJ's research projects are all interdisciplinary in nature, they tend to focus on race and justice issues within two main arenas: criminal justice and education. As the projects are developed, the institute uses its steering committee and community advisory board as sounding boards to provide feedback and ideas to strengthen the pro-jects. In addition, many of the projects include community and practitioner components, so community stakeholders, police departments, legislators, teachers, school administrators, and students are involved in the process of framing research questions and conducting research. In addition, the institute has developed a fellowship program to further its goal of broadening discussions and research around race and justice issues within the scholarly community at Northeastern University.

Institute on Race and Justice Projects

The institute has received more than $2 million in external grant support for a variety of research initiatives. The types of research projects IRJ has led involve a broad range of subjects; from projects addressing racial bias in policing to projects dealing with human trafficking.

In one of the first projects to utilize the new collaborative model of research, IRJ researchers worked with the attorney general of Rhode Island to develop, collect, and analyze data of traffic stops with a goal of understanding whether or not racial profiling was occurring in Rhode Island, known as the Rhode Island Traffic Stop Statistics Study. The data collection included all traffic stops conducted by each Rhode Island Police Agency between January 2001

and December 2002. The institute completed and released the final report in June 2003, which documented racial disparities in stops and searches in a number of Rhode Island communities.

Following the Rhode Island Project the institute conducted the Massachusetts Statewide Racial and Gender Profiling Study. This study reviewed approximately 1,400,000 traffic stops from 350 separate police agencies across Massachusetts and again found racial disparities in who was stopped and cited as well as in who was searched. This report served as the basis for the continuation of data collection in more than 200 Massachusetts communities. This project fully incorporated the model of collaborative research between stakeholders. On a monthly basis throughout the project, community representatives, police officials, and advocacy groups met with the research team to review and refine data analysis and interpretation.

As a result of the initial racial profiling work of the institute, the Bureau of Justice Assistance funded the development of a web-based Racial Profiling Data Collection Resource Center. This website has become one of the most comprehensive resources on the issue of racial profiling available. The website provides a central clearinghouse for police agencies, legislators, community leaders, social scientists, legal researchers, and journalists to access information about current data collection efforts, legislation and model policies, police-community initiatives, and methodological tools that can be used to collect and analyze data.

In October 2005, the Institute on Race and Justice was awarded a grant from the National Institute of Justice to assess the current state of law enforcement responses to human trafficking. Trafficking in persons has become a critical human rights and law enforcement issue in the 21st century. Building on previous research around police recognition and reprioritization of new types of crimes (e.g., domestic violence, stalking, bias-motivated crime), this project sought to understand how police identify, report and investigate trafficking incidents. The research included a survey of more than 3,000 law enforcement agencies nationally and among the findings were that many more police agencies had investigated cases of human trafficking than had previously been known and that police agencies that were better prepared to deal with potential cases of human trafficking, by having developed policies and having provided training to their officers, were more successful in identifying cases of human trafficking.

In addition, the institute is currently serving as statewide technical assistance partner for the Massachusetts Shannon Comprehensive Safety Initiative, a statewide initiative that has provided more than $20 million to Massachusetts communities to support comprehensive approaches to reduce gang violence. As the statewide technical assistance partner, IRJ provides technical assistance to individual communities and assists in acquiring information for an evaluation of the effectiveness of the effort.

IRJ researchers are also examining the importance of diversity in courtroom workgroups. IRJ Associate Director Amy Farrell and Professor Geoff Ward were awarded the National Institute of Justice's W.E.B. DuBois Fellowship in 2006 to examine the impact of federal court workgroup racial diversity on criminal case outcomes.

In addition to conducting research, IRJ has hosted a number of events and forums for civic organizations and academic institutions to enhance the dialogue on matters of social justice. For example, IRJ has collaborated with WGBH Television and the Ford Hall Forum to host film screenings such as *Two Towns of Jasper, Citizen King*, and *Unforgiveable Blackness*. The institute worked in collaboration with the National Office of the ACLU to host an intensive conference around the ACLU Report of Disproportionate Minority Confinement in Massachusetts and the Harvard Civil Rights Project to sponsor a conference examining "The School to Prison Pipeline." In March 2003, IRJ sponsored Angela Davis to deliver a keynote lecture, "Radical Frameworks for Social Justice," for the Boston-area community.

Jack McDevitt and Amy Farrell

See also Human Trafficking; Profiling, Racial: Historical and Contemporary Perspectives

Websites

Institute on Race and Justice: http://www.irj.neu.edu

O. J. Simpson Case

In 1994, O. J. Simpson, an African American actor and former all-American football star, was accused of murdering his ex-wife, Nicole Brown, and her friend, Ronald Goldman. A jury composed of seven African American women, two White women, one Hispanic man, and one African American man acquitted Simpson of all charges on October 4, 1995. This entry examines the O. J. Simpson case from various perspectives. It focuses chiefly on media coverage of sensationalized crimes, the impact that this coverage has on the general public, the facts of the case, the role of the jury in determining guilt or innocence, and the prosecution and defense's challenge in providing evidence to prove a defendant's guilt or innocence beyond a reasonable doubt.

Sensational Crimes

The communications media play a major role in the reporting of crimes; television news, print media, and Internet sources all have made it possible for the general public to gain knowledge about certain crimes and to *localize* the intensity of the offense committed.

Despite the public's dependence on the media for "truth," media sources may have their own agendas when selecting what to report. This same observation is made with respect to the intensity of media coverage. Since one of the primary goals of the media is to *sell* the story, events are often sensationalized. Put differently, the media may not report the whole story. One such sensational case that has gained worldwide notoriety and engendered much public discourse is the O. J. Simpson case.

One of the main issues of sensationalized crimes is how they influence people's perception in terms of what the typical and most common type of crime in America looks like. Even more complicated, in the O. J. Simpson case, is the offender-victim racial composition: a Black male offender and a White female victim. In that sense, the media produces a more distorted image of crime in America. Ostensibly, the media feeds into the public's appetite for issues specific to race and criminality, *especially* if the victim is White and the offender is Black.

Facts of the Case

On June 12, 1994, O. J. Simpson's ex-wife, Nicole Brown, and her friend Ronald Goldman were found stabbed to death outside Brown's condominium, located in the Brentwood district of Los Angeles. Simpson and Brown's two children, Sydney and Justin, who were 8 and 5 years old, respectively, at the time of the crime, were asleep in an upstairs bedroom. Evidence collected at the crime scene led police to suspect O. J. Simpson as the murderer.

On the day of his arraignment, June 21, Simpson pleaded not guilty, and a grand jury was convened to determine whether or not to indict Simpson.

Because of the extraordinarily high level of media coverage of the case, it was believed that no potential jurors would not have been exposed to any of the intense press coverage and could not be impartial, and the grand jury was dismissed. After the dismissal of the grand jury, the case moved through the criminal justice process and was scheduled for trial.

Simpson's defense team, led by the late Johnnie Cochran and F. Lee Bailey, demonstrated that the police had mishandled the case and tainted the evidence. Among jurors there arose a reasonable doubt that O. J. Simpson was the murderer, which eventually led to Simpson's acquittal. Even in the presence of evidence proving guilt, a jury has the right to exercise what is often referred to as "jury nullification." This concept, which has been adopted from English common law, proposes that regardless of evidence against a defendant, a jury may still choose to acquit. Jurors may acquit on the basis of a belief that the defendant has suffered enough and should not be punished further by the law, or that the law is discriminatory and unjust toward people of color. In the O. J. Simpson case, the jury did not believe that the state had sufficient evidence beyond a reasonable doubt to convict Simpson. In the state of California, a double homicide is a capital crime. Therefore, had O. J. Simpson been found guilty, he would have been charged with a double murder, with no bail and possibly a death penalty verdict.

The Prosecution

Part of the argument provided by Christopher Darden, the Los Angeles County prosecutor, was that O. J. Simpson's killing of his ex-wife resulted from jealous rage. The prosecution had retrieved and played a 911 call made by Nicole Brown (in 1989) expressing her fear that O. J. Simpson could physically harm her. Simpson was also heard yelling in the background. In addition to this 911 call possibly linking O. J. Simpson to the two homicides, the prosecution also presented DNA evidence, shoeprint analysis, blood marks on the driveway of Simpson's home, a black leather glove with both murder victims' blood on it, and the testimony of expert witnesses linking O. J. Simpson to the case. During the trial, one of the attorneys for the prosecution decided to have Simpson try on the glove, which had been found on the premises of Simpson's home with the blood of both murder victims. The leather glove was too tight for Simpson to put on easily, resulting in Cochran's argument that "if it doesn't fit, you must acquit," suggesting a lack of sufficient and reliable evidence linking Simpson to the murder. The fact that the O. J. Simpson case featured a Black offender and a White victim raised racial tensions during the trial. To some extent it influenced the way Americans felt about Simpson's sentencing: while a large percentage of African Americans believed that O. J. Simpson did not commit the crime, most White Americans believed that the evidence against Simpson was solid enough to convict him of the murders.

Conclusion

The O. J. Simpson trial has come to epitomize some of the many tensions that exist within U.S. society. These tensions also emerge in the American system of justice. One such issue is how fame and socioeconomic status, in addition to the victim–offender relationship, contribute to sensationalizing some crimes while overlooking others. Another is the significance and importance of meticulous police work in securing evidence at the crime scene that may be of value to the prosecution or defense when examining the particulars of any criminal case. Finally, the jury's racial and gender composition has been seen to impact issues associated with jury selection, deliberation, nullification, and final verdict. Whether or not the jury's racial composition and gender contributes to unintended consequences remains controversial.

Reem Ali Abu-Lughod

See also Domestic Violence; Interracial Crime; Jury Nullification; Media Portrayals of African Americans

Further Readings

Fuller, J. R. (2006). *Criminal justice: Mainstream and crosscurrents* (Anno. instructor's ed.). Upper Saddle River, NJ: Pearson Prentice Hall.

Kennedy, R. (1997). *Race, crime and the law*. New York: Pantheon.

Reiman, J. (2007). *The rich get richer and the poor get prison: Ideology, class, and criminal justice* (8th ed.). Boston: Allyn & Bacon

Walker, S., Spohn, C., & DeLone, M. (2004). *The color of justice: Race, ethnicity, and crime in America* (3rd ed.). Belmont, CA: Wadsworth.

Oliphant v. Suquamish Indian Tribe

Oliphant v. Suquamish Indian Tribe is a 1978 U.S. Supreme Court case dealing with whether Native American tribal courts maintain criminal jurisdiction over individuals who are not Native American. The ruling has been criticized as a setback to Indian (Native American) tribal sovereignty in the United States that took power away from the tribal courts in governing matters that occur on tribal lands. The facts and opinion in the case are presented following.

The offenses in this matter occurred on the Port Madison Indian Reservation in the state of Washington. The reservation consists of approximately 7,275 acres of land, with non-Indians owning 5,231 acres of the land within the reservation. The Suquamish Indians adopted a Law and Order Code in 1973 that had the effect of extending the tribe's criminal jurisdiction to both Indians and non-Indians. David Oliphant, a non-Indian resident of the Port Madison reservation, was arrested by tribal authorities during a Suquamish annual celebration and charged under the Law and Order Code with resisting arrest and assaulting a tribal officer. Daniel Belgarde, also a non-Indian resident, was arrested by tribal authorities and charged under the Law and Order Code with damaging tribal property and recklessly endangering another person when an alleged high-speed race on the highways of the reservation ended with his collision with a tribal police vehicle.

Oliphant and Belgarde filed petitions for writ of habeas corpus to the U.S. federal courts. They argued that the Suquamish Indian Tribal Court did not have criminal jurisdiction over non-Indians. The federal courts upheld the tribal jurisdiction. Oliphant and Belgarde petitioned for review by the U.S. Supreme Court, seeking for the Court to make a decision regarding whether the tribal court had jurisdiction in their cases.

The U.S. Supreme Court granted certiorari to decide the issue of whether Indian tribal courts maintained criminal jurisdiction over non-Indians. On March 6, 1978, the Court issued a 6–2 split decision, holding that Indian tribal courts do not maintain criminal jurisdiction over non-Indians. The Court, in the majority opinion written by Justice William Rehnquist, noted that there was a relative lack of precedent involving tribal jurisdiction over non-Indians. He stated in the body of the *Oliphant* opinion that Indian reservations are part of the territory of the United States of America and hold their authority only upon the assent of the U.S. government. As such, the power of Indian courts is constrained so as not to conflict with the interests of the territorial sovereignty of the United States. Thus, the Court noted, tribal courts give up their power to try non-Indian citizens of the United States except as specifically prescribed by Congress.

Justice Rehnquist then focused his attention on the 1883 case of *In Ex parte Crow Dog*. He noted that in that case the U.S. Supreme Court was faced with the almost inverse issue of whether federal courts had jurisdiction to try Indians who had offended against fellow Indians on reservation land. Justice Rehnquist noted that in that case the Court held that criminal jurisdiction, under such circumstances, lay exclusively in the tribal court.

The U.S. Supreme Court acknowledged that certain tribal Indian courts have become increasingly sophisticated and resemble their state counterparts, that certain basic procedural rights have been extended to any defendant in the Indian tribal court, and that there does exist a prevalence of non-Indian crime on reservations today. However, the Court stated that these are considerations that Congress must consider in its future determinations regarding whether Indian tribes should finally be authorized to try non-Indians for offenses committed on reservations.

The Court noted that under the Indian Civil Rights Act of 1968, defendants in tribal courts are entitled to many of the due process protections accorded in federal or state criminal proceedings, but that such guarantees are not identical. The Court stated, as an example, that non-Indians are excluded from Suquamish tribal court juries. The Court's concern appears to be that an exclusion may appear to violate the Sixth Amendment to the Constitution of

the United States, wherein a defendant in a criminal proceeding is entitled to a jury of one's peers.

The case of *Oliphant v. Suquamish Indian Tribe* has received considerable criticism. Critics of the decision state that this Court opinion establishes a precedent that allows for the diminution of tribal sovereignty without legislative approval by the U.S. Congress. Andrew Fletcher notes that this decision not only has the effect of abrogating sovereign rights from the tribal courts and Indian nations but also represents a proposed shift in power between the branches of the U.S. government by allowing the courts to make determinations regarding issues that are best left to Congress. Geoffrey C. Heisey considers the decision as an affront to Indian tribes because it fails to provide a satisfactory option for controlling the conduct of non-Indians who either live on or merely visit a reservation. Heisey also posited that the decision encourages lawlessness by non-Indians on reservations. One particular critic calls for Congress to recognize Indian tribal jurisdiction over offenses committed by non-Indians on reservations. Moreover, one critic of the decision states that the Court did not consider the issue of whether tribal police retain any authority to arrest non-Indians for offenses committed in Indian Country. It is presented here, however, that even if tribal police retained the power to arrest non-Indian offenders, this case holds that tribal courts lack the jurisdiction to try and/or punish such offenders. Proponents supporting the decision proffer that non-Indians who are permanent residents of the reservation have no say in the creation, enforcement, or adjudication of tribal laws and, as such, should not be subjected to these laws.

George E. Coroian, Jr.

See also National Tribal Justice Resource Center; Native American Courts; Native Americans; Tribal Police

Further Readings

Duro v. Reina, 495 U.S. 767 (1991).

Fletcher, A. (2007, Winter). Suffocating sovereignty: Implicit divestiture and the violation of first principles. *Dartmouth Law Journal, 5*(1), 31–48. Retrieved from http://rockefeller.dartmouth.edu/assets/pdf/dlj_W07_fletcher.pdf

Heisey, G. C. (1997). *Oliphant* and tribal criminal jurisdiction over non-Indians: Asserting Congress's plenary power to restore territorial jurisdiction. *Indiana Law Journal, 73*(3). Retrieved from http://www.law.indiana.edu/ilj/oldsite/volumes/v73/no3/heisey.html

Oliphant v. Suquamish Indian Tribe, 435 U.S. 191 (1978).

Omnibus Crime Control and Safe Streets Act

The Omnibus Crime Control and Safe Streets Act of 1968 (OCCSSA) was a major step toward federalization of crime policy and a distinct shift toward retributive responses. The legislation was enacted following several years of racial and civil unrest in urban areas across the United States. Commonly known as the Crime Bill, it established the Law Enforcement Assistance Administration (LEAA) and regulations for the use of wiretaps and handgun ownership. This entry discusses the sociopolitical climate in which the act was passed and the contents and effects of provisions therein.

Sociopolitical Climate

According to the Federal Bureau of Investigation's *Uniform Crime Reports,* violent crime was increasing at an accelerated rate in the 1960s.

Year	*Violent Crime Rate per 100,000*
1960	160.9
1962	162.3
1964	190.6
1966	220
1968	298.4

By 1965, a majority of citizens polled had named crime as the primary problem facing the country. Such fears are attributable to forces beyond crime itself. The politicization of the crime problem resulted from attention to the call for "law and order" amid rising crime rates, anti-(Vietnam) war and civil rights rallies, and ghetto riots. The only real connection between street crime and civil disorder is that both were concentrated in urban areas with disproportionately African American populations. The link was accepted into policy discourse. Both

southern officials and the federal government sought law and order. Government activities in the 1960s are illustrative of the various approaches taken to this end.

President Lyndon Johnson responded by declaring in his State of the Union Address on January 8, 1964, a program designated as the War on Poverty, which he believed to be the root cause of crime. The Warren Court rendered several decisions, increasingly ruling to protect defendants' rights from government abuses, including *Mallory v. United States* (1957) and *Miranda v. Arizona* (1966). Segregationists and conservatives castigated such decisions as "handcuffing the police."

Responding to the findings of the Commission on Law Enforcement and Administration of Justice, President Johnson sent S 917, the first incarnation of the OCCSSA, to Congress in 1967. One significant finding of the commission was that the various institutions of justice were operating independently, with little regard for how each institution's work affected the others. As a result, the commission replaced "Law Enforcement" as the heading for police, courts, and corrections with "the Criminal Justice System" to encourage cooperation. A finding of the commission's report not represented in the text of the bill became evident in the commentary surrounding it. Crime was not rising as significantly as people believed; new crimes and increased reporting inflated the statistics. It was the fear of crime more than the fact of it that demanded action.

The OCCSSA was passed on June 6, 1968, following lengthy debates by a Congress often divided not along party lines but in response to various political pressures. The assassinations of Dr. Martin Luther King, Jr., and Senator Robert Kennedy occurred at pivotal moments in the voting. Facing an increasingly fearful, demanding electorate, representatives felt compelled to vote for the bill; public perception, not the presentation of adept legislation, dictated the OCCSSA's passage. This sentiment underscores the legacy of the OCCSSA.

In its final form, the OSSCCA only faintly resembled the bill President Johnson first proposed. The legislation is organized into four main parts: grants, admissibility of confessions, wiretapping, and firearms, as summarized in the following sections.

Grants: Law Enforcement Assistance Administration

Title I established the Law Enforcement Assistance Administration under the Department of Justice. Previously, criminal justice planning was not an officially recognized task. The LEAA provided funding for states to create planning agencies, improve law enforcement overall, educate officers, and distribute grants from a block grant fund to efforts at the local level.

The LEAA had been involved in studies of victimization, patterns of crime, public reaction to crime, juvenile diversion programs, and community mediation. When it dissolved in 1981, it had granted more than $8 billion; states retained some form of 70% of LEAA-sponsored programs. The National Institute of Justice was created by the LEAA and has continued to revolutionize the study of crime through analysis and dissemination of crime studies and statistics.

Confessions

Title II attempted to overturn U.S. Supreme Court decisions regarding defendants' constitutional rights under the Fourth Amendment. Despite the Supreme Court's *Miranda* ruling that voluntary confessions are inadmissible at trial if the defendant was not informed of his or her rights to remain silent and have an attorney present, Title II allowed for the admission of confessions under such circumstances. Officially, Title II was found unconstitutional in *Dickerson v. U.S.* (2000).

Wiretapping

Title III concerns wiretapping or electronic surveillance. The Communications Act of 1934 made wiretapping a crime; yet, law enforcement continued to perform it. Congress reacted to the Supreme Court decisions in *Berger* (1967) and *Katz* (1967) that evidence gathered in this manner constitutes a Fourth Amendment "search and seizure." They delineated the exceptions in which wiretapping is allowed and specified court procedures to regulate such. Wiretap evidence has since been used to fight organized crime and in

the wake of the attacks of September 11, 2001, terrorist activity.

Congress authorized the use of roaming wiretaps in 1986; after the September 11 attacks, the USA Patriot Act expanded this authority. Previously, separate court orders were required for each communication carrier (cell phone, instant messaging, etc.) used by an individual under investigation. The USA Patriot Act allows a single wiretap to legally "roam" devices, tapping the person rather than the phone.

Handguns

The National Firearms Act of 1934 required that gun owners register their weapons. Title IV provided the first significant restrictions on handgun ownership, including establishing a national licensing system for manufacturers, dealers, and importers. Interstate trade was prohibited, and the minimum age for purchase rose to 21. Sales of guns to and possession of guns by categories of individuals thought to pose a threat to public safety were made illegal.

The Gun Control Act and the Firearm Owners Protection Act, both of 1968, added to that list and extended these provisions to rifles and other firearms. In 1993, the Brady Bill implemented a 5-day waiting period for firearms purchases; when this provision expired in 1998, it was replaced by the National Instant Criminal Background Check System. The 1994 Federal Assault Weapons Ban prohibited the sale of certain semiautomatic "assault weapons" to civilians; it expired in 2004. A bill was introduced in February 2007 to reinstate and expand the assault weapons ban. In March of that year, the bill was deferred to the House Subcommittee on Crime, Terrorism, and Homeland Security.

Heather R. Tubman-Carbone

See also Fear of Crime; President's Commission on Law Enforcement and Administration of Justice

Further Readings

Harris, R. (1969). *Fear of crime*. New York: Praeger.
Scheingold, S. A. (1984). *The politics of law and order: Street crime and public policy*. New York: Longman.

100 Blacks in Law Enforcement Who Care

100 Blacks in Law Enforcement Who Care (hereafter "100 Blacks") is a New York City–based organization of law enforcement professionals. An outspoken advocate for issues of concern to African American law enforcement officers, 100 Blacks also actively supports the New York City African American community at large, especially relating to their interactions with the New York City Police Department (NYPD). This entry reviews the history, mission, and current activities of the organization.

History

100 Blacks was founded in 1995 by police officers Eric Adams and Noel Leader, who together with a core group of officers wanted to address internal as well as external African American relations with NYPD administration. Present membership numbers well over 100, consisting of active duty and retired personnel from a variety of agencies, even though the NYPD has never officially recognized or authorized this organization. Much of the organizational leadership is now retired from service with their respective agencies but still remain active members of 100 Blacks. A notable exception is Eric Adams, who resigned as the founding executive director of the organization after being elected to the New York State Senate (Brooklyn, 20th district).

The executive director of 100 Blacks is elected by the membership. Organizational governance follows a nonhierarchical structure with a slate of directors who oversee functional aspects of the organization, including finance, public relations, research, communications, social support, legal defense, education, community outreach, and legal affairs. The member-directors work independently and jointly to advance the mission-oriented activities and functions by planning, organizing, grant making, networking, and fundraising.

Mission

The mission of 100 Blacks has led them to confront controversial topics that have often put them

at odds with city administration. One of many groups and organizations to which officers of color from New York criminal justice agencies belong, 100 Blacks is perhaps unique in its external focus on African American communities of New York, to whom it provides financial, educational, legal, and media support.

Vowing to "Never stop until the victory is won," the publicly stated mission of 100 Blacks has seven objectives:

1. To fulfill our moral mandate to our creator, to enhance and cultivate the blessings that have been bestowed upon us
2. To serve as a model organization for individuals and other professionals in our communities so that we can again take our rightful place on the stage of history as a free, proud, and productive people
3. To offer (via non repayable grants) a minimum of $1,000 a month to a worthy cause in the African American community
4. To be the vanguard for justice on the behalf of those who traditionally have no voice in society
5. To vigorously challenge racism, sexism, and all of the debilitating *ism*'s that retard the growth of today's global community
6. To economically empower our people by pooling our resources
7. To uplift our people through education

This mission directs 100 Blacks toward active participation in debating city policy through political and media engagement as well as providing community support through grant making, educational outreach, and legal guidance. Organizational activities, public statements, and educational materials are available on its website, which also provides discussion forums for members.

Current Activities

Befitting their mission, 100 Blacks is an outspoken advocate of civil rights and community justice issues, especially as they relate to African Americans in New York City. 100 Blacks regularly confronts City policy and procedure through the media on issues within its mission and affecting its membership. It has been vocal on racial disparities in recruiting, assignment, hiring, and promotion practices within the NYPD. Members of the organization have been leaders of public protest of high-profile NYPD shootings of African Americans, such as Amadou Diallo in 1998 and Sean Bell in 2006. The public statements of 100 Blacks have often been harsh criticisms of the policies and practices not only of the NYPD but also of New York City mayors and the New York City Council. Perhaps as a result of these criticisms, the organization and its leadership were the subject of a NYPD undercover investigation that monitored its communications and activities until the investigation was revealed in 2000.

Much of the focus of the organization remains on educational and financial outreach. Since the first year of its existence—when $10,000 was donated—100 Blacks has regularly offered financial support to worthy groups and individuals as determined by the membership, who remain committed to sustaining New York's diverse communities. At times funds have also been used to offer rewards for information leading to arrests of crime suspects.

Community education takes the form of workshops, a television show, and an informative website. As Eric Adams told *The New York Times* in 1999, "Reaching while black shouldn't be punishable by death. But I can't teach kids on the way it ought to be, I have to teach them on the way it is." 100 Blacks wrote and distributed a pamphlet, now available on its website, for the controversial 1998 Million Youth March on police stop-and-frisks. Members regularly teach community workshops on recommended behavior when interacting with the police, disaster preparedness, and careers in law enforcement. Members Marquez Claxton and Noel Leader produce a weekly call-in show called *Community Cop Live* on local cable television.

100 Blacks issues periodic report cards on the NYPD with statistical and analytical reporting of racial bias in the NYPD. Its website lists a busy schedule of press conferences, media appearances, community workshops, meetings, protests, and court support. 100 Blacks regularly partners with other organizations such as the Guardians Association, the National Latino Officers Association, the New York Civil Liberties Union,

and other groups to make statements on issues of mutual concern such as basic civil rights, due process, youth, racial profiling, racial bias, and community empowerment.

Ellen H. Belcher

See also Community Policing; Guardians, The (Police Associations); Institutional Racism

Further Readings

Abel, R. (2006). 100 Blacks in Law Enforcement Who Care (pp. 454–458). In R. Abel (Ed.), *The Black shields*. Bloomington, IN: AuthorHouse.

Boyd, H. (2004, April 1). NYPD flunks. *New York Amsterdam News,* pp. 1, 41.

Flynn, K. (2000, July 15). Police Dept. defends inquiry into Black officers' group. *The New York Times,* p. B2.

Gross, J. (1999, April 13). Behind a badge, confronting issues of race. *The New York Times,* p. B2.

100 Blacks in Law Enforcement Who Care. (2004). *State of Blacks in the NYPD: Annual report on the commissioner*. Retrieved from http://www.townsunited.org/Eric%20Adams/blacks_in_nypd.htm

100 Blacks in Law Enforcement Who Care. (2006–2007). *100 Blacks helpful tips*. Retrieved from http://www.100blacksinlawenforcement.org

Websites

100 Blacks in Law Enforcement Who Care: http://www.100blacksinlawenforcement.org

Operation Wetback

Operation Wetback began in 1954 as an effort to remove undocumented and illegal Mexican sharecropper workers from the United States. Vetted by President Dwight Eisenhower and drafted by Attorney General Herbert Brownell, Operation Wetback arose as a result of an angry citizenry. The public had become disgruntled over the widespread corruption of employers of sharecroppers and growers along the Mexican border—the recent influx of illegal workers had made the border patrol a risible arm of law enforcement. Although Operation Wetback was deemed a success, the numbers of successful deportations are often the source of controversy. Some argue the numbers were inflated by the Eisenhower administration, while others suggest that such a contention misses the larger goal and purpose of the legislation (to address the corrupt practices of those who employed illegal workers and deported said workers). This entry reviews the historical context, purpose, and impact of Operation Wetback.

History

The Mexican government repeatedly failed to secure equal pay and workers' rights for many of its citizens within the southwestern United States; millions crossed the border from Mexico as undocumented workers, with the term *wetback* originating from immigrants' use of the Rio Grande to cross illegally (in 1952 alone, some 852,000 persons were seized by the federal government). In the United States, many political ideologues branded illegal immigrants recalcitrant brigands bent on harming the nation and everything its citizens valued. Although the United States eventually created the bracero program to combat the increasing number of illegal immigrants, the citizenry desired a more hard-line approach that eventually led to the creation of Operation Wetback.

The illegal immigrant influx did have observable damaging effects on wages. Most of the Mexican undocumented workers were willing to work for significantly lower wages than the average American blue-collar worker. Employers were able to pay more workers for less work within the cotton and produce industries; the potential for mass profit without the provision of worker benefits was too attractive for many of these business owners to turn away. Finally, the significance of this issue remains even today, with illegal immigration a hot-button issue in many electoral campaigns throughout the United States.

The Role of the Bracero Program

In 1942, the U.S. government enacted the bracero program, presaging the guest worker program that gained notoriety during President Ronald Reagan's

administration in the 1980s. The program was originally conceived in the early 1940s to combat a wartime dearth of labor power through taxpayer labor subsidies; the plan lasted until 1964. However, most contract employers did not pay enough for many poor Mexican documented workers to make a living. As a result of the inadequate wages and the ease with which illegal immigrants could be hired without the burden of the immigration bureaucracy, only 1 in 10 were issued valid worker certificates from 1947 to 1960. The problems with the bracero program immediately led to more undocumented workers in the United States, prompting an ineffective Immigration and Naturalization Service (INS) to take advantage of the widespread public outcry over the mass illegal immigration's depressive effect on wages for U.S. workers. Moreover, the bracero program failed in the eyes of many American workers by *increasing* the number of undocumented workers as opposed to contracting legal ones.

The Emergence of Operation Wetback

Genesis of the Plan

In 1954, Attorney General Brownell created the legislation that would eventually become known as Operation Wetback. The bill contained two primary initiatives: (1) to stem the flow of illegal and undocumented Mexican workers into the United States and (2) to punish the employers who harbored such workers. The plan was met with resistance among some legislators as well as agricultural and farming groups that lobbied the Congress. Many legislators objected to one of the bill's central tenets—that employers of illegal workers should be punished—because proving awareness of that fact would be difficult. Also, a few lawmakers were hesitant about Brownell's militaristic approach that involved carrying out the plan like an invasion. However, after much debate the legislation passed both houses of Congress and was enacted that same year.

The Military Plan

The appointment of General Joseph Swing, along with other top military commanders, to the lead position in the implementation of Operation Wetback led to a campaign of intelligence gathering, aggression, and precision on par with a large-scale offensive. The summer months saw tens of thousands of illegal immigrants arrested and, at the same time, a great deal of traffic at the border with many illegal immigrants attempting to get back into Mexico. The use of military and local law enforcement led many employers to support the return of their undocumented workers to Mexico so that they themselves could avoid prosecution and/or closure of their businesses.

Conclusion

The INS placed the number of undocumented workers leaving the country either voluntarily or through prosecution at 1.3 million. The number of illegal immigrants that left continues to be disputed, as measurements of "voluntary" departures from the country are difficult to implement. Although Operation Wetback temporarily mollified an angry citizenry, the bracero program remained in place and, ultimately, continued to allow the influx of Mexican immigrants, albeit now under a licit banner. Operation Wetback, moreover, may have deterred illegal immigration for a time, but it did not relieve the demand for labor power in the United States. Therefore many employers in the agricultural industries still needed the work of immigrants in order to adequately meet demands and compete in the marketplace.

The INS ultimately let many illegal Mexican workers back into the United States under an expedited process; the hard-hitting initial campaign of Operation Wetback appeared poorly attuned to the demands on the agriculture business as the use of Mexican laborers was the only way to keep the industry afloat and solvent. Operation Wetback did deport many illegal workers but lacked a clear vision for ameliorating the larger social issues, such as poverty and strained diplomatic relations with Mexico, that seemed to cause much of the undocumented worker problems. Because the United States continues to need illegal immigrants to meet work demands, the case of Operation Wetback reveals many of the larger political and structural problems that led many Mexican immigrants to illegally cross the border. The bracero

program aided the effort to document illegal workers but did not have the strength and resources to keep pace with the market demands of the agricultural industry. The militaristic nature of Operation Wetback also illustrates the national consciousness at the time; the United States had recently experienced an attack by a foreign power at Pearl Harbor, the deployment of thousands of troops in World War II, and the fear associated with spreading anti-Communist sentiment.

Brent Funderburk

See also Inequality Theory; Public Opinion, Punishment; Racialization of Crime

Further Readings

Garcilazo, J. M. (2001). McCarthyism, Mexican Americans, and the Los Angeles committee for the protection of the foreign-born, 1950–1954. *The Western Historical Quarterly, 32*(3), 273–295.

Wetbacks: Can the states act to curb illegal entry? (1954). *Stanford Law Review, 6*(2), 287–322.

Opium Wars

The Opium Wars were conflicts between China and the United Kingdom from 1839 to 1842 and 1856 to 1860. Britain defeated China in both wars and coerced the Chinese government into signing treaties opening up foreign trade, including British importation of opium, a narcotic, to China from British-controlled India. Britain's import of opium contributed to a great increase in the number of opium addicts in China. Issues arising around the use of opium for smoking played a role in Western fears of the "yellow peril" and became part of a larger effort to stigmatize the Chinese as dangerous and insidious, to be condemned and isolated. The criminalization of certain types of opium used by Chinese in the early 20th century in Canada and the United States was in part a response to these racist fears. This entry first describes the origins of British importation of opium into China and then examines the events and impact of the First and Second Opium Wars.

Background

In order to offset its trade deficit with China, Britain had begun to illegally export opium to China from British India during the 18th century. While there was great demand in Britain for tea, silk, and porcelain from China, there had been little demand in China for British exports; however, the opium trade quickly flourished and reversed the trade deficit. The Chinese emperor declared a prohibition on the sale and smoking of opium because of the increasing number of addicts, but this ban did not stop the drug trade.

After Britain defeated Bengal (India) in 1757, the British East India Company (a government company) was able to establish a monopoly on the production and exportation of opium in India that lasted for nearly a century. Despite China's ban on the importation of opium, British exports of opium to China skyrocketed from an estimated 15 tons in 1730 to 75 tons in 1772, shipped in more than 2,000 "chests," each containing 140 pounds (64 kilograms) of opium. In 1799, the Chinese Empire again banned opium imports; however, the ban had little effect because the Chinese government in Beijing could not stop merchants from smuggling opium into China from the south. This, along with the addictive properties of the drug, the desire for more profit by the British East India Company, which had been granted a monopoly on trade with China by the British government, and the fact that Britain wanted silver, greatly increased the opium trade. By the 1820s, China was importing 900 tons of opium from Bengal each year.

In the summer of 1833, the East India Company's monopoly on trade to China was abolished by the British Parliament. This provided an incentive for other nations to increase private trade with China, including trade in opium. The Americans and the Portuguese soon joined the opium importation business. The British sent a new representative, Lord Napier, to open up more trade with China, including legal trade in opium. Although Chinese leaders were debating the legalization of opium, in 1838 the Chinese government imposed the death sentence on Chinese traffickers. It is estimated that Britain was selling about 1,400 tons of opium a year to China. Of course, British subjects were not subject to Chinese laws.

First Opium War

In 1839, the Emperor of China appointed a new commissioner, Lin Zexu, who was charged with addressing opium trade at the port of Canton. Lin He immediately demanded a halt to British imports, but the British refused to stop, and Lin imposed a trade embargo on the British. Given the embargo, the British superintendent of trade demanded that all British subjects turn in all opium to him. All this opium, nearly a year's supply, was then turned over to Lin, who destroyed it. After this confiscation, Lin demanded that all British merchants sign a bond promising not to deal in opium, with dealers subject to the death penalty. While the British government opposed the signing of such a bond, some merchants nevertheless signed. Lin also sent a letter to Queen Victoria challenging the British policy of profiting from opium trade to China while the opium trade was prohibited in England, Ireland, and Scotland. Queen Victoria never responded to this letter, but both the British government and British merchants deemed the destruction of their private property (opium) by Lin as criminal.

In June 1840 the British Indian army was sent to China, and the first Opium War began. British military superiority was clearly evident during the brief armed conflict. British warships wreaked havoc on coastal towns, and British troops, armed with modern muskets and cannons, overpowered the Chinese forces. After the British took Canton, they sailed up the Yangtze River and took the tax barges, a devastating blow to the Chinese Empire that slashed the revenue of the imperial court in Beijing to just a small fraction. During the first 6 months of war, the opium trade was revived, and more than 40 ships were reported involved in smuggling opium. Following this military conquest came the missionaries.

The Chinese authorities sued for peace in 1842, and the Treaty of Nanking was negotiated in August 1842 and ratified in 1843. According to the terms of the treaty, China was forced to pay an indemnity to Britain, agreed to open five ports to Britain, and ceded Hong Kong to Queen Victoria. In the subsequent Treaty of Bogue, the Chinese Empire also granted Britain most favored nation treatment and gave British subjects extraterritorial privileges in the treaty ports. In 1844, the United States and France also concluded similar treaties with China—the Treaty of Wanghia and the Treaty of Whampoa, respectively. Opium importation was particularly lucrative to traders, and it gained wide popular use in the "new" China. However, the Chinese government greatly resented the economic advantage that Britain had gained through military force and their nation's subjugation to opium trade controlled by "foreign devils." This led to the Second Opium War.

Second Opium War

Hong Kong became not only a center of opium traffic but also a source of pirates. Although the Chinese still had laws against opium, the British government did not respect those laws. In fact, most non-British governmental employees in Hong Kong were involved in the opium trade. The British government put a price (bounty) on each pirate's head. While this helped to catch many pirates, it did not affect the balance of trade between Britain and China. In fact, by 1854, China was buying fewer cotton goods from England than it had bought a decade earlier. However, the trade in opium was flourishing. Further frustrating British authorities was their inability to ship goods to the interior of China and the various Chinese custom duties on cotton.

The Second Opium War began with a dramatic but relatively minor incident. A boat owned by Chinese privateers, the *Arrow*, was registered in Hong Kong, with British command and a Chinese crew. It was confiscated by Chinese officials and all crew, including the British, were arrested on piracy and smuggling charges. The arrested British subjects alleged that the Chinese officials had torn down and insulted the British flag during their inspection of the boat. This gave the British government an excuse to wage war again on China.

British forces attacked the city of Guangzhou in 1856, starting the Second Opium War. French forces joined the British intervention after a French missionary, Father Auguste Chapdelaine, was killed by a local mandarin in China. Other nations became involved diplomatically, although they did not provide military personnel. The Treaty of Tientsin was created in July 1858 to end the war,

but it was not ratified by China until 2 years later. This would prove to be a very important document in China's early modern history, as it was one of the primary unequal treaties that opened China to ultimate foreign domination and exploitation.

Hostilities broke out once more in 1859, after China refused to establish a British embassy in Beijing, which had been promised by the Treaty of Tientsin. Fighting erupted in Hong Kong, and in Beijing, where the British set fire to the Summer Palace after considerable looting took place. Britain prevailed with its superior military power and increased its power over China. China ratified the Treaty of Tientsin at the Convention of Peking in 1860, ending the war, legalizing the import of opium and granting a number of privileges to British and other Western countries and their subjects.

Total opium exports from British India to China rose from 58,681 chests in 1859–1860 to 105,508 chests in 1879–1880. Also, trade in cotton quadrupled during the same time. The complete conquest of China led to the growth of vast fortunes in England. Of course, victory by Britain in the second opium war saw the spread of opium use expand even more dramatically in China. As part of the exploitation of China, cheap Chinese labor was imported to the United States and Canada.

Opium and the "Yellow Peril"

The association of the "drug problem," and specifically opiate addiction, with racism was particularly acute during the first few decades of the 20th century in both the United States and Canada. Opiate addiction was linked with the "yellow peril" and characterized as incompatible with White morality and superiority. As a specific ideology, the yellow peril rationalized the low wages and danger that often accompanied what was disparagingly termed "coolie labor." "Anti-drug policies" became a rallying point for racists and nativists who felt themselves in the throes of a life-and-death struggle with alien forces.

The Anti-Opium Act passed by Canada in 1908 was largely a product of fear of the "yellow peril." Such fears also provided a motivation for the Harrison Narcotics Act of 1914, one of the first attempts by the U.S. Congress to regulate drugs. Supporters of the Harrison Act appealed to stereotypes of the Chinese and other ethnic minorities who were portrayed as the primary users of opium and cocaine. Ironically, the use of opium by Chinese had been established by the British Empire, only to lead to the criminalization of this "Chinese habit" in North America.

Charles E. Reasons

See also Asian Americans; Biological Theories; Chinese Exclusion Act; Harrison Narcotics Tax Act of 1914

Further Readings

Beeching, J. (1975). *The Chinese Opium Wars*. New York: Harcourt, Brace, Jovanovich.

Brook, T. J., & Wakalayoski, B. T. (Eds.). (2000). *Opium regimes: China, Britain and Japan, 1839–1952*. Berkeley: University of California Press.

Collis, M. (1968). *Foreign mud: The opium imbroglio at Canton in the 1800s and the Anglo-Chinese war*. New York: Norton.

Fay, P. W. (1975). *The Opium War 1840–1842*. Chapel Hill: University of North Carolina Press.

Owen, D. E. (1934). *British opium policy in China and India*. New Haven, CT: Yale University Press.

Reasons, C. E., & Perdue, W. D. (1981). The demonology of drugs. In *The ideology of social problems* (pp. 489–541). Sherman Oaks, CA: Alfred Publishing.

Trocki, C. A. (1999). *Opium: Empire and the global political economy: A study of the Asian opium trade 1750–1950*. London: Routledge.

Zheng, Y. (2005). *The social life of opium in China*. Cambridge, UK: Cambridge University Press.

Organized Crime

Despite the American fascination with organized crime, as evidenced in popular media and academic attention, there is considerable disagreement as to what the term means or how to define it. The following discussions are each related to the social construction of organized crime and thus have theoretical and policy implications. Furthermore, because the operational definition of organized crime necessarily affects the criminal justice system vis-à-vis such matters as resource allocation, priority assessments, criminal sanctions,

and so on, these contentious "academic" debates are, of course, ultimately related to issues of race, ethnicity, fairness, and justice.

The Definition of Organized Crime

Though the study of organized crime is primarily a sociological pursuit, the phenomenon is a subject of study in numerous other disciplines, including anthropology, economics, history, and political science. Despite, if not because of, this broad and varied inquiry into the topic, there is little consensus regarding what constitutes "organized crime" nor on who engages in such activities and why.

Rather than offering an explicit definition, most authors have opted to identify the key characteristics of organized crime, and four of these are most frequently cited in the academic literature: a continuing enterprise, using rational means, profiting through illegal activities, and utilizing the corruption of officials. Several authors have also argued that groups must also use (or threaten) violence and involve themselves in multiple criminal enterprises to merit inclusion in the organized crime discussion.

While these "defining characteristics" are commonly cited among scholars, this should not be interpreted as settling the issue. For instance, there is no consensus regarding what constitutes "continuity." Is it continuity of a group, of a conspiracy, or of a crime pattern? What duration of time constitutes continuity, regardless of which factor is chosen? Similarly, there are questions regarding "multiple enterprises." How many are required and how would this be operationally defined? For example, an organization may be grounded on narcotics trafficking while by necessity evading taxes and laundering money. Furthermore, it can be argued that violence and corruption are merely "management tools" and that criminal enterprises may indeed thrive without the necessity of these tools (e.g., if law enforcement is ignorant of the problem).

There are other ongoing debates in the study of organized crime, and three stand out. Researchers continue to discuss such issues as the distinctions between organized crime and "white-collar" crime and between organized crime and gangs. The other dispute concerns the degree of organization or sophistication exhibited by syndicates.

White-collar crime has been most commonly defined as "crimes committed by persons of high social status and respectability in the course of their occupation." However, if one focuses on the activities as opposed to the individuals involved in the activities, numerous white-collar conspiracies quite easily fit the criteria listed previously (i.e., continuity, corruption, multiple enterprises). For instance, several studies have demonstrated that securities frauds are often enduring and complex, requiring the use of financial "fronts," money laundering and the artful skills of accountants, financiers, and lawyers, the corruption of public and regulatory officials, and/or violence and so on. These studies have thus demonstrated that without an emphasis on the economic and social standing of the offender, these offenses would be considered organized crimes.

Today, numerous gangs engage exclusively in narcotics trafficking. Some scholars thus argue such organizations do not meet widely held characteristics of organized crime (i.e., these groups do not engage in multiple enterprises). There is no consensus in the academic literature on this matter, however. Some gang researchers delineate between gangs and "drug gangs," with the latter obviously focusing on the drug trade and monopolizing sales market territories instead of residential territories, among other differences. Other researchers argue some gangs have become so sophisticated they are in fact organized crime groups. One example of such a "gang" is Chicago's infamous Gangster Disciples.

The most fundamental and contentious issue concerns the extent to which organized crime is, in fact, organized. Early studies stressed bureaucracy, adherence to protocols and rules, and what was essentially a business model for illicit endeavors. Later studies emphasized more informal relationships that were often fleeting and predicated on patron-client networks. The distinction can be viewed through the prism of two different models of research, each identified by a variety of terms. The more bureaucratic interpretation of organized crime was characterized as the governmental/law enforcement/traditional view, whereas the other perspective was considered the informal structural–functional system/developmental association model. Earlier studies emphasizing bureaucracy eventually gave way to the latter subset of models

that now dominate the literature. Though membership in an organized crime group provides access to networking channels and increases the predictability of illegal venture, economic conditions trend against rigid structure in the "underworld." As an economist and renowned expert on the subject has stated, there are three risks associated with the illegality of organized crime: underworld contracts are not legally enforceable; the entrepreneur might be arrested; and criminal assets might be seized. Thus, the key contradiction of organized crime is that there is a need to provide substantial information to prospective customers but this process places the conspiracy in jeopardy because of fears of detection (by authorities and competitors).

Race, Ethnicity, and Organized Crime

Much of the academic and popular literature on organized crime—not to mention the news and entertainment media—is preoccupied with Italian and Sicilian American groups. Indeed, a casual observer may conclude that organized crime in the United States is and/or has been the exclusive province of those of Italian and Sicilian descent. Such an observation—though understandable given all the attention to such groups—is patently false. What then accounts for this state of affairs, and what merits does the claim hold that non-Italian or non-Sicilian groups are recently "emerging"?

The discussion of organized crime in academic literature exhibits remarkable variation. One common hypothesis argues that organized crime committed by groups other than Sicilian or Italian Americans is emerging. There is a competing hypothesis, however, that argues many supposedly emerging groups have long organized crime histories and that it is the *research* in this area that is emerging. As the following review of numerous published works demonstrates, there is little consensus among academics on what is emerging, particularly among those without an extant research agenda on organized crime.

Non–Sicilian/Italian Organized Crime Is Emerging

Several authors have adopted this theme, either explicitly or by implication. For instance, a popular criminology textbook explicitly states, "*In recent years,* ethnic and national groups other than Italian-Americans have developed organizations to pursue profits through illegal means" (emphasis added). There is another manner in which this discussion is presented. Often, authors do not address this debate specifically but implicitly adopt the emerging group paradigm by omitting any reference to groups other than Sicilian or Italian Americans.

Non–Sicilian/Italian Organized Crime Research Is Emerging

This subset of literature casts doubt on the "emerging" organized crime hypothesis and, either explicitly or by inference, argues that it is the research on non–Sicilian/Italian American organized crime that is emerging. Concerning the broad concept of emerging organized crime, one scholar notes, "Historically, discussions of organized crime have focused almost exclusively on . . . groups like the Mafia and *La Cosa Nostra* . . . more recent *analyses,* however, have extended their interest to other criminal groups . . ."(emphasis added). Others have explicitly and implicitly addressed the notion of supposedly "emerging" organized crime groups: "It is important to keep in mind that members of organized crime networks in the United States are by no means exclusively of Italian descent, nor were they ever." Similarly, a criminal justice textbook points out, "Thanks in large part to popular culture and the media, organized crime is often associated with the Italian Mafia. Indeed, to many, organized crime and the Mafia are synonymous, and the myth has become more powerful than reality," before concluding, "In fact, organized crime is an equal opportunity field of criminal activity, with nearly every ethnic group . . . represented." The "emerging" organized crime logic is not only incorrect but also damaging to criminological study. That is, emphasizing Sicilian/Italian American groups not only ignores the long history of organized crime before Italian immigration but also overlooks the involvement of many other ethnic and racial groups. As noted by Steve Barkan, "It also diverts attention away from organized crime's roots in poverty, in the readiness of citizens to pay for the goods and services it provides, and in the willingness of politicians, law enforcement agents, and legitimate

businesses to take bribes and otherwise cooperate with organized crime."

There are two related reasons for the competing "emerging" organized crime paradigms. The first concerns how authors define "organized crime," and the second revolves around the utter lack of quality data regarding non–Sicilian/Italian organized crime (though data are lacking for these groups as well). The lack of data directly affects the ability to operationally define organized crime.

Definition of Organized Crime Revisited

If mere participation in the vices and/or racketeering and/or political graft alone is the operational threshold, there should be no debate about the existence of extra–Sicilian/Italian American organized crime dating back to the 1800s, if not before. Conversely, one could adopt a more stringent threshold, such as mandating that groups exhibit division of labor, corruption, or use of violence to maintain networks and thus group continuity. If this latter approach is adopted, the issue regarding whether such ethnic organized crime has a long history is less settled, since there are few substantive studies, and perhaps even less data, on the matter.

Relative Lack of Non–Sicilian/Italian American Organized Crime Data

One glaring reason regarding the absence of data in this area concerns the government's absolute preoccupation with Sicilian/Italian American organized crime. The federal government has convened a number of panels and committees over the years to address the issue of criminal syndicates and to create related policies. Most notable are the following: Senator Estes Kefauver's Committee (1951); Senator John L. McClellan's Committee (1963); President Lyndon Johnson's Task Force (1967); the National Advisory Committee's Task Force (1976); and, most recently, President Ronald Reagan's Commission on Organized Crime (1983). The clear preoccupation of these panels has been the so-called National Crime Syndicate and La Cosa Nostra. Although President Reagan's commission did, somewhat tentatively, expand the boundaries of organized crime beyond Italian Americans, certainly this group was the major emphasis.

On a state level, the situation is much the same. Pennsylvania's commissions and task forces, for instance, have also consistently focused on Italian American groups rather than others. As two organized crime researchers noted in 1987, "The [Pennsylvania Crime Commission] itself has mentioned in passing that black-run numbers banks were dealing in annual sums several times greater than Italian-run organizations. But it is Italian criminality that is discussed at length."

Scholars may have thus confined their studies of organized crime to Sicilian/Italian American groups partly because of the attention being paid them. Furthermore, the government's focus necessarily affects other components in the criminal justice system, many of which produce the data of criminological studies. For example, law enforcement agencies and prosecutors, of course, adopted the focus on Sicilian/Italian American groups, and thus researchers who used these data exclusively arrived at narrow, and biased, conclusions. Donald Cressey's 1969 book *Theft of the Nation* is perhaps the embodiment and certainly among the most significant examples of the literature promoting this paradigm. He wrote, "An Italian organization in fact controls all but an insignificant proportion of the organized-crime activities in the United States," and added, "If one understands Cosa Nostra he understands organized crime in the United States." Perhaps such conclusions prompted a renowned organized crime scholar to sarcastically note that while discussion of Prohibition has centered around smugglers who were Italians, Irish, and Jewish in Chicago and northeastern cities, "thirsty people must also have lived outside these cities; but who was distilling and selling bootleg liquor in the American South and in the rural areas where there were few if any recent immigrants?"

One organized crime author has recently stated, "While the last fifty years in the United States have witnessed the period of Sicilian-Italian domination of syndicate crime, this was preceded by Jewish . . . and Irish domination." He added, "Prior to these groups, WASPs (White Anglo-Saxon Protestants) controlled organized crime. During these periods, many other ethnic groups—for example, Germans, Lebanese, Greeks, blacks—also participated in

organized crime." In sum, non–Italian/Sicilian American groups have existed for generations, though their structure and significance have been the subject of considerable debate. Another problem with the "emerging" organized crime hypotheses concerns the operational definition of the term *recent*. Authors who loosely state that organized crime among certain ethnic groups has "recently" emerged leave open a host of possible interpretations. If "recent" refers to activities within the past 5 or 10 years, these characterizations are quite likely flawed. Several authors have documented a variety of ethnic syndicates, fitting the more restrictive characterization of organized crime, were present in numerous U.S. cities as early as the 1800s. For example, historical work on New York City around 1900 found that Chinese organized crime "predates, in structure and sophistication, organizations of other ethnic origins later recognized as 'modern' organized crime by academics, the media and the government." The study's author thus concluded the common, trendy discussion of Chinese organized crime as "emerging" is ahistoric. Other recent historical analyses have concluded that much of the current academic literature on African American organized crime in Philadelphia and Chicago is equally unsophisticated and suspect. Thus, as more studies are conducted, the social system accounting for the multifarious phenomenon of organized crime is commonly exhibited. By definition, these studies will conclude organized crime is, and has been, an equal opportunity employer. Accordingly, the historical record is continually being revised and reinterpreted, with an as yet unknown impact on public opinion, criminological theory, and public policy.

Sean Patrick Griffin

See also Drug Cartels; Drug Dealers; Drug Trafficking; Gambling; Harrison Narcotics Act of 1914; Jamaican Posses

Further Readings

Barkan, S. E. (2001). *Criminology: A sociological understanding* (2nd ed.). Upper Saddle River, NJ: Prentice Hall.

Berger, R.J., Free, M., & Searles, P. (2001). *Crime, justice and society: Criminology and the sociological imagination*. New York: McGraw-Hill.

Bovenkerk, F. (1998). Organized crime and ethnic minorities: Is there a link? *Transnational Organized Crime, 4*, 109–126.

Calavita, K., & Pontell, H. N. (1993). Savings and loan fraud as organized crime. *Criminology, 31*, 519–548.

Conklin, J. E. (1995). *Criminology* (5th ed.). Boston: Allyn & Bacon.

Cressey, D. R. (1969). *Theft of the nation: The structure and operation of organized crime*. New York: Harper & Row.

Decker, S. H., Bynum, T., & Weisel, D. (1998). A tale of two cities: Gangs as organized crime groups. *Justice Quarterly, 15*, 395–425.

Gaines, L. K., & Miller, R. L. (2003). *Criminal justice in action*. Belmont, CA: Wadsworth.

Griffin, S. P. (2005). *Black Brothers, Inc.: The violent rise and fall of Philadelphia's Black mafia*. Leicester, UK: Milo.

Hagan, F. E. (2002). *Introduction to criminology: Theories, methods, and criminal behavior*. Belmont, CA: Wadsworth.

Inciardi, J. A. (2002). *Criminal justice* (7th ed.). Orlando, FL: Harcourt Brace.

Jenkins, P., & Potter, G. W. (1987). The politics and mythology of organized crime: A Philadelphia case study. *Journal of Criminal Justice, 15*, 473–484.

Lombardo, R. M. (2002). The Black mafia: African-American organized crime in Chicago, 1890–1960. *Crime, Law & Social Change, 38*, 33–65.

McIllwain, J. S. (2004). *Organizing crime in Chinatown: Race and racketeering in New York City, 1890–1910*. Jefferson, NC: McFarland.

Naylor, R. T. (1997). Mafias, myths and markets: On the theory and practice of enterprise crime. *Transnational Organized Crime, 3*, 1–45.

Peace Pledge

Peace as an end state of individual and international relations is widely accepted as desirable, yet peace remains elusive. Although it is easy to condemn wanton attacks upon the unwitting and the peaceable, whether that violence occurs at the individual, group, or world level, what is more challenging is the commitment to bring about an end to all violence, including the many harms of racism in all its guises. Such a discipline as a commitment to the eradication of violence is not a task for the faint of heart; it is a monumental challenge. This entry presents a device—the peace pledge—that has been employed toward the cultivation of peace in various different forms and discusses its current and potential use in the amelioration of harm resulting from all forms of social injustice, such as racism.

Peace

Most people understand peace to be an absence of war or conflict. This usage often is referred to as "negative peace," as when two nations—or two spouses—are not in a state of formalized conflict. Alternatively, "positive peace" is used to describe a state of existence free from oppression, exploitation, patriarchy, racism, and class struggle and characterized by acceptance, love, mutuality, freedom, equity, equanimity, and liberation. The common view has been that the degree to which a culture can be described as positively peaceful is the degree to which that culture is likely to be without war.

Cultural positive peace, according to Johan Galtung, results from a de-legitimization of violence in its many forms (e.g., direct, structural, cultural) and a legitimization of nonviolence as a means for conflict resolution. Examples of direct (verbal) violence include the use of racist labels for people or hurling racial epithets at an individual. Biases designed into or existing in the justice system that, intentionally or not, treat or affect individuals of different races differently are examples of structural violence. Religious teachings that separate races and treat some races as less deserving than others of spiritual merit or forgiveness are examples of cultural violence. It should be clear, then, that racism in its myriad forms is an example of violence and that the general level of violence in a society may well play a role in that society's overall safety and health.

The Pledge

All people have a stake in the cultivation of peace, both positive and negative. A peace pledge is one useful tool employed on occasion in the cultivation of positive peace. Such a pledge is simply a series of statements that an individual formally adopts as a symbol of a personal commitment to peace. Although simple, even naive in appearance, the power of the peace pledge should not be understated. According to many peace activists,

including Dr. Martin Luther King, Jr., Thich Nhat Hanh, and Mohandas K. Gandhi, the basis of lasting peace is a deep personal commitment to peace on the part of each individual. The peace pledge is both an outward sign of commitment to others and a reminder to the individual of what one must do to help realize the dream of lasting, positive peace. Often, the pledge is printed on a card or document and carried around with the individual as a reminder of its contents and as a symbol of one's pledge.

Historically, peace pledges have taken many forms and focused on many different aspects of the effort for peace. For instance, the organization Democracy in Action offers a pledge for its members not to vote for a candidate for Congress or the presidency who does not openly support a rapid end to the current war in Iraq.

Other pledges are more directly addressed to the issues of positive peace, and specifically to an end to inequity (i.e., racism). The now-defunct organization Peace Links offered a pledge that invites takers to commit to respecting the value of all people, and indeed all life; to accept people as they come; and to seek commonality with people who seem to be not like ourselves. The Dayton Peace Bridge pledge is far more detailed and involves several specifics, including commitments to volunteer with the organization Habitat for Humanity, to participate in Martin Luther King Day celebrations, and to attend a religious service other than one's own in order to learn about others' beliefs and traditions. The Dayton pledge also calls on pledge-takers to be proactively accepting of others and rejecting of derogatory humor; pledgers are to agree to greet warmly people of a race or culture that is not their own; not to laugh at racist, sexist, or culturist jokes; and to take someone from a different race/culture to lunch.

Some peace pledges come directly from religious scripture. The Five Mindfulness Trainings offered by Thich Nhat Hanh, a pledge taken by some of Hanh's students, is adapted from teachings of the historic Buddha as presented in the Sutra on the White-Clad Disciple. Hanh's formulation of the pledge invites pledge-takers to cultivate compassion, loving kindness, responsibility, loving speech and deep listening, and good mental and physical health. Additionally, an argument can be made that the Lord's Prayer, or *Pater noster*, taught by Jesus to his disciples at the Sermon on the Mount, constitutes a type of peace pledge. Although often less specific than the Peace Links or the Dayton Peace Bridge offerings, religious pledges like the Lord's Prayer or the Five Mindfulness Trainings have the potential of being more profound, longer-lasting commitments that are held more deeply than those crafted and offered by secular organizations. Occasionally, religious organizations will offer peace pledges with content specific to inequity, however. The National Council of Churches in Australia, for example, invites individuals to pledge to "stand with others who are treated unfairly, even if it means standing alone."

Conclusion

Although many have found it a useful tool in the cultivation of positive peace and in catalyzing an end to all forms of inequality, the peace pledge remains underused relative to its potential. Pledges offered by political organizations not to vote for candidates who are not committed to realizing an end to the Iraq war may be appealing now, but once the war is over, other challenges to peace will remain. Additionally, peace pledges rarely specify a particular social category of oppressed toward which one should target one's compassionate or ameliorative actions. This omission likely is intentional because racial and cultural strife are often particular to context, whereas a true commitment to peace is timeless and invariant with respect to context.

There is a growing belief that mindful, compassionate, decisive statements of commitment to positive peace can be valuable in the effort to realize an end to all forms of violence. A number of organizations that seek to confront racism or other forms of cultural violence have crafted formal pledge statements for members to take and to carry on their persons as a reminder of their promises and as a symbol to others of their willingness to stand for peace.

Michael DeValve

See also Center for the Study and Prevention of Violence; Faith-Based Initiatives and Delinquency; Faith-Based Initiatives and Prisons; Mediation in Criminal Justice; Restorative Justice; Social Justice

Further Readings

Addison, B. E. (2004). Pragmatic pacifist: Devere Allen and the interwar peace movement, 1918–1940. *Peace and Change*, *29*(1), 81–105.

Barash, D. P., & Webel, C. P. (2002). *Peace and conflict studies*. Thousand Oaks, CA: Sage.

Brincat, C. A. (1997). Commentary: Moving beyond the metaphors of conflict toward a true(er) peace. *Peace and Change*, *22*(3), 272–280.

Galtung, J. (1996). *Peace by peaceful means: Peace and conflict, development and civilization*. Thousand Oaks, CA: Sage.

Hanh, T. N. (1991). *Peace is every step: The path of mindfulness in everyday life*. New York: Bantam.

Hanh, T. N. (2007). *Chanting from the heart: Buddhist ceremonies and daily practice*. Berkeley, CA: Parallax.

Holmes, R. L., & Gan, B. L. (2005). *Nonviolence in theory and practice* (2nd ed.). Long Grove, IL: Waveland Press.

Ilman, R. (2007). Words of worth: Talking religiously about peace and dialogue. *Peace and Change*, *32*(3), 415–434.

Little, D. (2007). *Peacemakers in action: Profiles in religion and conflict resolution*. New York: Cambridge University Press.

Monseau, V. R. (Ed.). (2004). *A curriculum of peace: Selected essays from* English Journal. Urbana, IL: National Council of Teachers of English.

Websites

Dayton Peace Pledge: http://www.markings.bc.ca/mind/peace/pledges.html

Democracy in Action: http://www.democracyinaction.org

National Council of Churches in Australia: http://www.ncca.org.au

Peace Links—North Carolina: http://www.main.nc.us/peacelinks

Peltier, Leonard (1944–)

Leonard Peltier is a Native American who was born on the Anishinabe Turtle Mountain Reservation in North Dakota. An Indigenous rights activist who spent many years providing community service to other Native Americans, Peltier has been incarcerated for more than 27 years due to his conviction for the murder of two agents from the Federal Bureau of Investigation (FBI) during a 1975 shootout on the Pine Ridge Indian Reservation. Since his conviction, there has been a great deal of debate regarding Peltier's guilt. Peltier has a number of supporters who, along with a few organizations such as Amnesty International, consider him to be a political prisoner. Despite support for Peltier, the numerous appeals filed on his behalf have been unsuccessful, and he remains incarcerated at Leavenworth Penitentiary in Leavenworth, Kansas.

Although his ability to continue providing community service is limited by his incarceration, Peltier remains active by helping to establish scholarships and special programs for Native American youth. He has also served on the advisory board of the Rosenberg Fund for Children, sponsored children in Central America, donated to battered women's shelters, organized the annual Christmas drive for the people at Pine Ridge Reservation, and promoted prisoner art programs since his incarceration. This entry describes Peltier's life as an Indigenous rights activist, as well as the crime for which he was convicted and the current status of his case.

Peltier was exposed to political activism early in his life. As a teenager, he lived on the Turtle Mountain Reservation with his father and witnessed protests and demonstrations by tribal members in response to U.S. termination policy, which forced Native Americans off their reservations and into cities. The termination policy withdrew federal assistance, including food, from those Native Americans who chose to remain on their land. When the Bureau of Indian Affairs came to investigate the situation, Peltier accompanied a social worker to each of the homes on the reservation to warn residents to hide what little food remained. At each home, Peltier learned that there was no food to hide. It was this incident, as well as his travels to many reservations as a migrant farm worker with his father, which made him realize that the policies of relocation, poverty, and racism were widespread issues affecting tribes across the United States.

Peltier moved to Seattle in 1965 and worked as part-owner of an auto body shop, which he used to employ Native People and to provide cheap automobile repairs for those in need. During this time, he was active in the founding of a Native American

halfway house for ex-prisoners. Peltier also became involved in Native Land Claim issues, alcohol counseling, and protests concerning the preservation of Native land in the city of Seattle. During the late 1960s and early 1970s, Peltier continued providing community service to Natives through his work as a welder, carpenter, and community counselor. In the course of this work, he became involved with the American Indian Movement (AIM) and eventually joined the Denver chapter. While working as a community counselor in Denver, Peltier became highly involved in the spiritual and traditional programs of the AIM. Peltier's membership in the AIM led him to become involved in a number of protests and rights movements, including the 1972 Trail of Broken Treaties. Eventually, Peltier's involvement in the AIM brought him to help the Oglala Lakota People of the Pine Ridge Indian Reservation in South Dakota in the mid-1970s. Peltier assisted the people of Pine Ridge to plan community activities, religious ceremonies, programs for self-sufficiency, and the improvement of living conditions. Peltier also participated in the organization of security for the people of Pine Ridge. It was here that the shootout that resulted in Peltier's conviction occurred on June 26, 1975.

On this day, two FBI agents, Jack Coler and Ron Williams, entered the Jumping Bull Ranch, allegedly to arrest a young Native American man who was wanted for burglary and whom they had seen in a red pickup truck. Many AIM supporters, including Peltier, were camping there. A shootout began between the FBI agents and the occupants of the red pickup truck. Many residents returned fire from the ranch. The identity of those who fired the first shots is a matter of dispute. When the shooting ceased, the two FBI agents were dead, shot in the head at close range. The red pickup truck was never found or identified.

Peltier, a high-level AIM leader, as well as Dino Butler and Bob Robideau, had been present during the shootout and were charged with the murder of the two FBI agents. Peltier fled to Canada, allegedly convinced that he could not receive a fair trial in the United States, while Butler and Robideau were tried in a federal court and found not guilty of the murders. The "not guilty" findings were based on a lack of evidence to link the two men to the fatal shots and the exchange of gunfire from a distance, which appeared to be in self-defense.

Peltier was eventually arrested by the Royal Canadian Mounted Police. Later, he was extradited to the United States based, almost exclusively, upon the testimony of Myrtle Poor Bear, a woman who would later be declared too mentally unstable to testify at Peltier's trial.

A number of issues surrounding Peltier's case make it controversial. First, no known witnesses to the deaths of the FBI agents were located. There has also been a great deal of debate regarding the gun that fired the shots killing Coler and Williams. While an FBI ballistic expert claimed the casing from the scene matched a gun belonging to Peltier, documents obtained years later through the Freedom of Information Act showed the fatal bullets did not come from Peltier's gun. There are also a number of discrepancies regarding the vehicle in the case. Agents Coler and Williams had radioed that they were looking for a red pickup truck, whereas evidence at the trial stated that the agents had been looking for a red and White van, which could be more easily linked to Peltier. There is no witness testimony that Peltier actually shot the two FBI agents or that he was near the scene at the time of the shooting. Finally, the defense claimed that thousands of FBI documents holding information that would be valuable to the defense were withheld.

On April 18, 1977, Leonard Peltier was convicted of two counts of first-degree murder and was sentenced to two consecutive life sentences. Since his conviction, the courts have repeatedly rejected petitions for a new trial. In 2002, federal authorities denied him a parole hearing, departing from federal sentencing guidelines and ruling that no hearing could be held until 2008. Despite such legal setbacks, Peltier's defense team is in the process of filing a number of cases challenging his conviction, and Peltier's supporters continue to hope that he will be granted executive clemency.

Amanda K. Cox

See also Bureau of Indian Affairs; Indian Civil Rights Act; Innocence Project; Native Americans; Pictou-Aquash, Anna Mae; Political Prisoners

Further Readings

McGraw, S. (2007). *The Crime Library: Leonard Peltier*. Retrieved from http://www.crimelibrary.com/notorious_murders/not_guilty/peltier/index.html

Messerschmidt, J. (1983). *The trial of Leonard Peltier*. Boston: South End Press.
Peltier, L. (1999). *Prison writings: My life is my sun dance*. New York: St. Martin's Press.
Taubner, J. L. (1992). Political prisoners in the United States. *New England Journal of Criminal and Civil Confinement*, *18*, 63–90.

Petit Apartheid

Criminologist and social-political geographer Daniel E. Georges-Abeyie introduced the concept and theory of petit apartheid in criminal justice and juvenile justice in 1990 to describe discriminatory, discretionary acts by law enforcement, correctional officers, and jurists that advantage or disadvantage an individual, or individuals, on grounds of their identity characteristics, such as race, ethnicity, gender, sex, sexual orientation, age, religion, or nationality. The concept has since been discussed on university and college campuses and written about in scholarly publications. The most notable exploration of the concept is Dragan Milovanovic and Katheryn K. Russell's edited volume, *Petit Apartheid in the U.S. Criminal Justice System: The Dark Figure of Racism* (2001).

The theory of petit apartheid has been refined to note its applicability to the juvenile justice systems as well as to the adult criminal justice systems, operative wherever social distance has the opportunity to transmute discretion into positive or negative discriminatory actions. The theory of petit apartheid notes that petit apartheid continues to manifest in both subtle and overt ways, including but not limited to psychiatric remands by courts; job assignments and security and custody ratings in correctional, jail, and detention settings; and via traffic stops and the subsequent search of motor vehicles. The theory of petit apartheid posits that the key to understanding the transmutation of discretion into positive or negative discrimination in criminal justice systems or juvenile justice systems is to understand the reality of actual outcome, not fixate on alleged intent.

The theory of petit apartheid is indebted to the sociological theories and the social-psychological and psychoanalytic theories of structural-functionalism, cognitive dissonance, and Freudian and neo-Freudian theory, respectively. Structural-functionalism notes that manifestations (i.e., norms, behaviors) remain long after the original reason for their origin. Thus, should one desire to permanently change a belief, one needs to change one's behavior first. Structural-functionalism notes that one has to get persons to choose the desired behaviors because of perceived benefits, not because of coercion. Only then can the desired behaviors be rationalized and result in permanent cognitive change. Freudian theory and neo-Freudian theory acknowledge motivation on three levels of consciousness: the conscious, which is self-explanatory; the preconscious, which is readily brought to consciousness by psychoanalysis and therapeutic psychopharmacological intervention; and the unconscious, which stubbornly resists conscious comprehension even after protracted psychoanalysis and long-term comprehensive therapeutic psychopharmacological intervention. The theory of petit apartheid acknowledges that certain discretionary discriminatory acts may be conscious and overtly discriminatory by the actor while others are not. Nonetheless, petit apartheid focuses on outcome, not intent.

In brief, the theory of petit apartheid is the legacy of three realities:

- De jure racism, that is, grand apartheid or statutory racism, which is currently unconstitutional in the United States and other Western nation-states
- De facto racism, that is, customary racism based upon the acting out of mores via norms, roles, and so on
- Social distance, that is, the degree of closeness or remoteness one desires in interaction with members of a particular group, including one's own; also the type, duration, frequency, and level of desired or acceptable/tolerable intimacy

The theory of petit apartheid acknowledges that there are many opportunities within the criminal justice system or juvenile justice system for discretion to transmute into positive or negative discrimination, such as the following:

- Entry into the criminal justice system or juvenile justice system—crime reported, investigation, arrest, booking, initial appearance
- Prosecution and pretrial services—charge dropped, preliminary hearing, bail or detention,

information, grand jury, refusal to indict, mental health remand, police juvenile unit response, release or station adjustment, nonpolice referrals, intake hearing, nonadjudicatory disposition, petition to the court
- Adjudication—arraignment, adjudicatory hearing, mental health remand or mental health hearing/insanity hearing, charge dismissed, acquittal, trial, guilty plea, reduction of the charge
- Sentencing and corrections—sentencing, appeal of sentence, probation, fine, nonpayment of fine, probation disposition, revocation of probation, habeas corpus, penitentiary, security and custody rating by the correctional agency or juvenile justice agency or juvenile justice institution, work or program assignment, institution assignment, parole, revocation of parole, jail, pardon and clemency, commutation of sentence, and capital punishment

Thus, according to the theory of petit apartheid, the transmutation of discretion to discrimination can result in a positive or a negative decision—for example, to not formally process the suspect or defendant, or to formally process the defendant or suspect. The issue, in terms of social distance and petit apartheid within the U.S. criminal justice system or within the juvenile justice system, is what non–crime-related social, cultural, spatial, biological (including racial), gender, and sex-related factors result in the decision to formally process, or not process, a suspect or defendant, and then, if the decision is to process, how severe to make the processing or penalty option. Social distance and resultant petit apartheid also impact the quality and type of response to noncriminal requests for service or assistance.

Current research by Georges-Abeyie on petit apartheid has identified 27 specific conscious, unconscious, and preconscious social-cultural-spatial-biological salient factors, which can be scaled, that result in social distance and subsequent petit apartheid discriminatory actions:

- Racial delineation—a composite of perceived shared physical characteristics common to a subgroup within a species and alleged to be the result of heredity but that is, in fact, a social construction, which may ignore some shared characteristics while stressing others
- Ethnic delineation—the actual or perceived intersection of race, place/nation of origin, and culture; biological delineation plus norms and beliefs with a spatial delineation or origin
- Phenotypic difference and similarity in terms of phrenology—the contour of the skull; the bony and cartilage parts of the face
- Phenotypic difference and similarity in terms of physiognomy—the fleshy parts of the face
- Phenotypic difference and similarity in terms of skin color, including tint and hue
- Phenotypic difference and similarity in terms of the amount and physical characteristics of facial hair and body hair
- Hair style and hair color
- Body/facial adornment, such as tattoos and body/facial piercing
- Phenotypic difference and similarity in terms of somatotype (body type in terms of ectomorphy, endomorphy, and mesomorphy as well as the crude realization of differences in height and weight)
- Facial expression, including attentiveness and movement, and nonmovement, of eyebrows and lips
- Difference in attire, including jewelry, ethnic identifiers, neatness, and slovenliness
- Linguistic characteristics, including dialect, accent, grammar, vocabulary, and syntax
- Body language, including gait and posture, whether seated or standing, as well as body juxtaposition and personal spacing
- Gaze—eye movement, visual contact and/or avoidance
- Body odor, which is, in part, the result of diet as well as hygiene/cleanliness
- Actual and perceived age
- Physical indicators of perceived intelligence, such as Down syndrome
- Scarification as a result of intentional or unintentional wounds
- Actual or apparent sex
- Perceived, or actual, sexual orientation difference, or similarity to the respondent/observer
- Gender difference or gender similarity to the respondent/observer
- Site of the incident
- Situational factor existent between where the incident occurred; where the offender resides relative to the site location and whether the

observer/respondent resides in, at, or near the site of the incident
- Site difference (whether the site of the incident or residence of the observed/subject has characteristic(s) different from the site of residence of the respondent)
- Actual or apparent religion of the subject
- Actual or apparent income/ wealth of the subject
- Grunt (sound nonword)/nod response to spoken and nonspoken verbal and nonverbal cues

The application of the theory of petit apartheid posits that the 27-factor Georges-Abeyie Social Distance Petit Apartheid Severity Scale can predict when discretion transmutes into discrimination. The theory of petit apartheid also posits that the Georges-Abeyie Social Distance Petit Apartheid Severity Scale can be utilized in the selection and subsequent training of criminal justice officials, juvenile justice officials, and jurists.

In summation, petit apartheid is discretion transmuting into officially unsanctioned positive and/or negative discrimination. Petit apartheid is the result of positive or negative social distance resulting from the conscious, preconscious, and unconscious social-cultural-biological-spatial computations of the brain. The theory of petit apartheid is, in its simplest form, the following:

> If "A," that is, specific conscious, unconscious, and preconscious social-cultural-spatial-biological salient factors, are present, then "B," that is, discretion, will transmute into positive or negative discrimination.

The positive or negative discrimination noted in the theory of petit apartheid includes, but is not limited to, traffic stops without due, reasonable, or probable cause; acts of jury nullification; conscious, preconscious, and unconscious bias during the voir dire; overly severe or unreasonably lenient sentences; excessive or lenient security and custody rating of inmates and detainees; preferential job assignment and institution assignment for adjudicated and subsequently imprisoned inmates and detainees; and myriad, other officially unsanctioned acts, which disadvantage some individuals and advantage others.

Daniel E. Georges-Abeyie

See also Black Ethnic Monolith; Disproportionate Arrests; Disproportionate Incarceration; Profiling, Ethnic: Use by Police and Homeland Security; Profiling, Racial: Historical and Contemporary Perspectives; Social Distance

Further Readings

Bohm, R. M., & Haley, K. N. (2005). *Introduction to criminal justice* (4th ed.). New York: McGraw-Hill.

Georges-Abeyie, D. E. (1990). Criminal justice processing of non-White minorities. In B. MacLean & D. Milovanovic (Eds.), *Racism, empiricism and criminal justice* (pp. 25–34). Vancouver, BC, Canada: The Collective Press.

Georges-Abeyie, D. E. (1990). The myth of a racist criminal justice system? In B. MacLean & D. Milovanovic (Eds.), *Racism, empiricism and criminal justice* (pp. 11–14). Vancouver, BC, Canada: The Collective Press.

Georges-Abeyie, D. E. (2001). Petit apartheid in criminal justice: "The more 'things' change, the more 'things' remain the same." In D. Milovanovic & K. K. Russell (Eds.), *Petit apartheid in the U.S. criminal justice system: The dark figure of racism* (pp. ix–xiv). Durham, NC: Carolina Academic Press.

Georges-Abeyie, D. E. (2006, July). *Toward the development of a social distance severity scale for the processing of juvenile justice system offenders and adult criminal justice system offenders: The phenomenological reality of race, ethnicity, social ecology, and social distance—The Georges-Abeyie Petit Apartheid Social Distance Severity Scale*. Paper presented at the meeting of the National Association of Blacks in Criminal Justice, Denver, CO.

MacLean, B. D., & Milovanovic, D. (1990). *Racism, empiricism and criminal justice*. Vancouver, BC, Canada: The Collective Press.

Milovanovic, D., & Russell, K. K. (Eds.). (2001). *Petit apartheid in the U.S. criminal justice system: The dark figure of racism*. Durham, NC: Carolina Academic Press.

Parrillo, V. N. (2000). *Strangers to these shores: Race and ethnic relations in the United States*. Boston: Allyn & Bacon.

Phillips County, Arkansas, Massacre of 1919

See Elaine Massacre of 1919 (Phillips County, Arkansas)

Pictou-Aquash, Anna Mae (1945–1975)

Anna Mae Pictou was born on March 27, 1945, in an Indian village near Shubenacadie, Nova Scotia, Canada. According to her daughters and others, Anna Mae holds a place in history as a committed advocate of Native rights, which ultimately led to her death at the young age of 30. During the tumultuous era of civil rights efforts, she encountered many risks.

She was raised as a Micmac Indian, amid poverty and the racism she encountered at off-reservation schools she attended. She dropped out of high school after her freshman year and became a berry and potato harvester in Maine. At age 17, she and fellow Micmac Jake Maloney headed to Boston to make a life for themselves among other Micmacs who had settled there. Their daughters, Denise and Deborah, were born in 1964 and 1965, respectively. Jake and Anna married afterward in New Brunswick, Canada, though by 1968 they were separated.

By that time, Native Indians, following on the heels of the civil rights movement, had begun to seek their rights relative to various treaties. Through her volunteerism at the Boston Indian Council at around the same time, Anna Mae became aware of the American Indian Movement (AIM). Her direct involvement with AIM did not come until several years later, as a Native activist. Since the time her decomposed body was found in February 1976, the precise circumstances of her death have remained a mystery.

In March 1972, Anna Mae was among the Trail of Broken Treaties marchers in Washington, D.C., during which time a siege of the Bureau of Indian Affairs building occurred to bring attention to Indian rights. The march is said to have started with AIM. In April 1973, AIM organized a protest in South Dakota at the location of the 1890 Wounded Knee massacre. The purpose was to help end a corruptive administration on the nearby Pine Ridge Reservation. It took 70 days and federal intervention to bring order. Anna Mae and Nogeeshik Aquash, who attended the march with Anna Mae and who became her husband on April 12, 1973, were instrumental in supplying underground food and other supplies to the Indian protesters at Wounded Knee.

In early 1974, Anna Mae worked in AIM's St. Paul, Minnesota, office. In the fall of 1974, she was director of AIM's Los Angeles office. In early 1975, a major event in which she was active occurred at an abbey in Gresham, Wisconsin, where Menominee Indians protested being stripped of their standing as federal Indians. These positions led to Anna Mae's status within AIM reaching a national level.

In mid-1975, Anna Mae took part in an AIM conference in Farmington, New Mexico, to support Navajo protests regarding mining issues. Leonard Peltier, AIM's security chief, also attended. From there, both were summoned back to the Pine Ridge Reservation to help provide security. Then, the Jumping Bull shootout occurred on June 26, 1975, in which two agents from the Federal Bureau of Investigation (FBI) and a Native Indian were killed during a confrontation between AIM members and FBI agents. Peltier was convicted over a half year later of the two agents' deaths. Shortly after Peltier's arrest, Anna Mae was murdered. It is believed that Peltier questioned Anna Mae in Farmington about her potential involvement with the FBI.

Before her death, Anna Mae and her husband were separated. She was arrested on South Dakota's Rosebud Reservation in September 1975 on charges of, among other things, weapons possession. She jumped bail and in November was arrested in Oregon (for nine counts involving an incident in Ontario) by federal agents, who interrupted an AIM caravan traveling from Washington State's Port Madison Reservation. She was sent back to South Dakota and released on personal recognizance to appear the next day for a November 25, 1975, trial. A bench warrant was issued for her arrest when she failed to appear. From then until only 3 months later, on February 24, 1976, when her bodily remains were discovered on the northeast border of Pine Ridge Reservation, accounts of her life remain as double hearsay testimony within court proceedings.

One belief is that Anna Mae was an FBI informant and was killed by AIM members. It was also rumored that she was having an affair with Dennis Banks, an AIM leader indicted for his activities at Wounded Knee. Another notion is that she was killed by the FBI because she knew of their informants who had infiltrated AIM. The circumstances of the identification of her decayed body initiated many unanswered questions.

The first autopsy, conducted by Pine Ridge Health Service, listed exposure as the cause of death. Unidentified, her hands were cut off and sent to the FBI, and she was buried anonymously at Holy Rosary Mission. On March 3, 1976, Anna Mae's fingerprints were identified by the FBI. Her family was notified, and they turned to AIM to help them obtain another autopsy, which was conducted by the same agency on March 10. Claiming merely that it was overlooked on the first autopsy, a .32 caliber bullet hole at the back of Anna Mae's skull concluded her death by homicide.

By 1994, three grand juries had been called to explore the circumstances of Anna Mae's death. After many years and several trials, Arlo Looking Cloud was sentenced to life in prison for his association with the murder. He claims that her real killer is John Graham, also known as John Boy Patton. Although Graham was indicted in 2003, his extradition from his native Canada has delayed his U.S. trial.

Anna Mae Pictou-Aquash was reburied alongside the grave of Joe Stuntz, the Native Indian who died in the aforementioned June 26, 1975, shootout.

Diane Cismowski

See also Bureau of Indian Affairs; Native Americans; Racism

Further Readings

Black Mesa Indigenous Support. (n.d.). *Anna Mae Aquash*. Retrieved June 8, 2007, from http://www.blackmesais.org/Anna_Mae_Aquash.htm

U.S. Court of Appeals, Eighth Circuit, Case No. 04-2173. *United States of America v. Fritz Arlo Looking Cloud*. Brief of Defendant-Appellant, Aug. 2004; Appellee's Brief, Sept. 2004; Decision, Aug. 19, 2005.

Websites

Justice for Anna Mae and Ray: http://www.jfamr.org

Plea Bargaining

Plea bargaining is an admission of guilt in exchange for a reduced charge or sentence. It is arguably one of the most publicized and controversial manifestations of the courtroom. Affecting practically every phase of the criminal justice system, plea bargaining is used as a substitute for jury trials, disposing of almost 90% of criminal cases. Those who favor this type of case disposition argue that without plea bargaining, the entire criminal justice system would collapse under the weight of an excessive caseload. On the other hand, those who oppose plea bargaining argue that it erodes the foundation of the judicial system. The truth, however, is that the viability of plea bargaining is determined by members of the so-called courtroom work group: judges, defense lawyers, and prosecuting attorneys. The point to be made here is that members of this work group determine the prevalence and frequency of plea bargaining. Similarly, one can make the point that the courtroom work group determines the success and failure of reform efforts as well.

The Myth of Plea Bargaining

There is a tendency to see plea bargaining as a necessary evil within the U.S. judicial system: Without its use, the entire criminal justice system, or rather the court system, would fall apart. Of course, this is not necessarily the case. The prevalence of plea bargaining can be viewed from at least two different perspectives: First, it is the preferred way of "doing justice" within the courtroom, and second, perhaps the most important reason, plea bargaining represents a way to reduce the risk and uncertainty of a jury trial. The point here is that plea bargaining is all about risk reduction and predictability of outcome.

Plea Bargaining and Race

Not unlike the controversy over plea bargaining, there remains considerable controversy and dispute about the impact of race and the sentencing process. Some studies suggest that first, there is research suggesting that Whites plea bargain at greater rates than their Black counterparts; the average Black defendant is less likely to plead guilty, when compared with an average White defendant. One reason may reflect the seriousness of the offenses committed by Blacks; Black defendants, for example, are more likely to have

used a weapon to commit the offense and are also more likely to be charged with an offense that carries a longer sentence, than their White counterparts. And prosecutors are less likely to offer plea bargains for these more serious crimes. Second, Black defendants are less likely to admit guilt than are their White defendants, are less likely to have retained the services of an attorney, and may not be inclined to accept pleas with the criminal justice system. The reason for this is Black defendants may have less confidence in the judicial system, especially when one considers that judges are not bound to any plea agreement. Concomitantly, according to John Hagan and Celesta Albonetti, Black defendants are simply less trusting of the criminal justice system. Meanwhile, others have argued the Black defendant reluctance to accept plea deals may reflect the fact that White defendants receive better offers.

Conclusion

Research on this topic is surprisingly scant. There are studies purporting to show that race is not a factor in plea bargaining decisions. Many of these studies go on to suggest that prosecuting attorneys make plea arrangements (regardless of race) on the basis of weak cases, if only to ensure predictability of outcome. Next, there are less than a handful of studies indicating that Blacks receive better plea bargaining deals than their White counterparts. Conversely, Walker, Spohn, and DeLone, citing research findings from the U.S. Sentencing Commission, found that Blacks and Hispanics were less likely than their White counterparts to receive better deals. Although the research findings appear contradictory, race *does* appear to matter in the processing of criminal cases. Individuals reviewing the few studies that do exist should ask the following questions: Who were the victims? Who were the offenders? What type of multistage research has been done? How generalizable are research findings on the issue of race and plea bargaining. Why are Black defendants less likely to accept plea deals when they are offered? Why are we still talking about race now? It could be that because race (as evidenced by the recent reduction in sentencing for crack cocaine users, who are disproportionately Black) remains very relevant in the processing of criminal cases.

Robert L. Bing III

See also *Kimbrough v. United States*; Sentencing; Sentencing Disparities, African Americans

Further Readings

Albonetti, C. (1997). Sentencing under the federal sentencing guidelines: Effects of defendant characteristics, guilty pleas, and departures on sentence outcomes for drug offenses, 1991–1992. *Law and Society Review*, *31*, 789–822.

Davis, A. 2007. *Arbitrary justice*. New York: Oxford University Press.

Humphrey, J., & Fogarthy, T. (1987). Race and plea bargaining outcomes: A research note. *Social Forces*, 66(1), 176–187.

Kennedy, R. (1997). *Race, crime and the law*. New York: Vintage Books.

Maxfield, L. D., & Kramer, J. (1998). *Substantial assistance: An empirical yardstick gauging equity in current federal policy and practice*. Washington, DC: United States Sentencing Commission.

Miller, J. (1996). *Search and destroy: African American males in the criminal justice system*. Cambridge, UK: Cambridge University Press.

Roberts, D. (1991). Punishing drug addicts who have babies: Women of color, equity and the right to privacy. *Harvard Law Review*, *104*, 1419–1454.

Stout, D. (2007, December 11). U.S. panel cuts jail time for crimes tied to crack. *The New York Times*. Retrieved from http://www.nytimes.com/2007/12/11/washington/11cnd-sentence.html?_r=2&hp&oref=slogin&oref=slogin

Tonry, M. (1995). *Malign neglect: Race, crime, and punishment*. New York: Oxford University Press.

Walker, S., Spohn, C., & DeLone, M. (2000). *Race, ethnicity and crime in America: The color of justice* (2nd ed.). Belmont, CA: Wadsworth.

Websites

The Sentencing Project: http://www.sentencingproject.org

Police Accountability

The primary function of the police is criminal law enforcement—in other words, holding individual

citizens accountable for their criminal acts. However, accountability is a double-edged sword. There are few who would disagree that there must be some degree of accountability for police misconduct. Yet, there are some who hold the position, at least in actual practice if not in professed theory, that there should be and is a different standard (less strict) for police officers. This issue is directly related to race and crime in that, as law enforcement investigations, convictions, and punishments have been, arguably, directed disproportionately against African Americans, holding the police accountable for misconduct is a priority in race relations.

But police accountability requires the answering of several questions. The first question is for what misconduct should police officers be held accountable? The second question is how and by whom should the police be held accountable? The third question is by what standard should the police be held accountable? And the fourth question is what relief or punishment would satisfy the principle of accountability?

Police Misconduct

The term *misconduct* can mean almost anything. However, when referring to police misconduct, a general scale of misconduct can be employed to understand exactly what type of misconduct is being addressed. At the top of the list are criminal acts. This type of misconduct would include any criminal act, whether it was a misdemeanor, a felony, or a capital crime. When considering police officers, the relevant offenses generally include speeding, DWI (driving while under the influence [of alcohol or drugs]), assault, battery, extortion, conspiracy, and murder. As a general rule, simply because a person is a police officer does not excuse that person from criminal acts. Although police officers may be subject to criminal prosecution for civil rights violations and conspiracy under 18 U.S.C. §§ 241 and 242, these statutes are not frequently enforced.

Next on the list would be civil wrongs. These acts are more commonly known as torts. These torts occur when a person commits certain intentional or negligent acts that result in damages to another person. Relative to police officers, applicable torts may include assault, battery, false imprisonment, and wrongful death. Concerning negligence, they may include cruiser accidents. Many jurisdictions have laws that protect police officers from liability for civil wrongs. Many of these laws involve the principle of sovereign immunity, whereby a political entity or its officers cannot be sued. Some jurisdictions, however, will allow suits against individual police officers to proceed if the civil wrong was intentional as opposed to negligent.

Further down on the list are policy and procedural requirements. All police officers are subject to the administrative and policy and procedural requirements of their respective law enforcement agencies. Almost every law enforcement agency has a formal written set of policies and procedures to guide police officers in their job performance. Such policies and procedures usually include, but are not necessarily limited to, directions on processing cases, criminal investigations, emergency medical procedures, the law and procedures for searches and arrests, the use of force, the handling of prisoners, public relations, court procedures, and civil rights so as to ensure that all people are given due process and equal protection of the law. Police officers who fail to follow an agency's policies and procedures can be subjected to administrative discipline and punishment that may range from corrective training to termination of employment.

Next on this list are ethical requirements. Each police officer, before taking office, is usually required to swear an oath of office. Such oaths usually include a promise to faithfully defend and enforce not only the criminal laws but also the constitution of that particular state and the Constitution of the United States, which includes the Bill of Rights. Also, a number of police organizations have adopted a code of ethics. These codes of ethics usually include, but are not limited to, requirements for police officers to act fairly and impartially in the execution of their duties. In contrast to the recognized professions such as doctors and lawyers, there are few, if any, mechanisms to punish police officers who violate these ethical precepts.

The last, but definitely not the least important, type of police misconduct is the civil rights violation. Indeed, this is probably the most publicized form of police misconduct. Each citizen is guaranteed certain civil rights under the U.S. Bill of

Rights. Some of the most common civil rights violations concerning police officers include false arrest and the use of excessive force. Some other civil rights violations concerning police officers include interference with freedom of speech, denial of medical care, violation of due process, and violation of equal protection of the law by such acts as illegal discrimination. Individual persons can bring civil rights suits against police officers and some political entities to enforce their civil rights or receive damages for violations of their civil rights.

These categories of police misconduct are general and are presented here to provide an understanding of the various types of misconduct. There is overlap among the different categories of police misconduct, and what might be acceptable under one category may be a violation in another category.

The How and the Whom

As with all criminal violations in the United States of America, prosecution of crimes is within the sole discretion of the prosecutor. The prosecutor has the unfettered discretion to choose which crimes to prosecute, and the prosecutor generally cannot be called to account for such decisions. Individual persons cannot compel the prosecutor to bring criminal charges. Because of this fact, criminal prosecutions against police officers are rare and usually do not occur unless the evidence is so overwhelming that the failure to prosecute would result in a great hue and cry from the public. Even then, halfhearted criminal prosecutions by local prosecutors may occur, resulting in no convictions and no relief for the victims of police misconduct.

It is not just local prosecutors who can bring a criminal prosecution against police officers. Under 18 U.S.C. §§ 241 and 242, federal criminal charges may be brought against police officers for civil rights violations and conspiracy by the U.S. Attorney or the U.S. Attorney General. However, as with local prosecutors, the ultimate authority to bring such charges rests with the U.S. Attorney or the U.S. Attorney General. Individuals may not compel the U.S. Attorney or the U.S. Attorney General to bring criminal charges under these statutes.

For tort violations, the burden is on the injured party to bring a lawsuit against the police officer. In such a case, the injured person would have to hire an attorney, or represent him- or herself pro se, and then file his or her own suit in court. The State would not represent the injured person. However, as previously mentioned, in many jurisdictions there are various laws, including laws of sovereign immunity, which prevent individuals from suing police officers or political entities for torts.

For violations of the policies and procedures of a law enforcement agency, an aggrieved person may bring a complaint against the offending police officer with that police officer's agency. There are three major ways such complaints are usually handled. The first way is usually through that law enforcement agency's chain of command, which would entail an investigation and possible discipline from the offending police officer's supervisors. The second way is through the agency's Internal Affairs Unit. Almost every major law enforcement agency has a separate Internal Affairs Unit. The rationale for the separate existence of the Internal Affairs Unit is to prevent favoritism and to help ensure that the complaining citizen's complaint is not simply ignored or given only a perfunctory examination. The third way is through the political entity's external civilian review board. Many political entities, unsatisfied with the way in which law enforcement agencies have handled civilian complaints internally, have formed separate and external civilian review boards. Civilian review boards were usually formed only after it was apparent that internal police investigations of civilian complaints were not being adequately answered. Many law enforcement agencies resist external civilian review boards, as they are frequently viewed as not having sufficient understanding of the problems in law enforcement. Proponents of civilian review boards frequently view police resistance as symbolic of the inability to obtain a fair investigation of citizen complaints. Due to the ease of seeking redress and the minor cost, many people who have been victimized by police misconduct frequently choose this method to seek help. However, even favorable decisions by civilian review boards generally cannot provide wronged civilians with damages.

Concerning ethical violations, police officers are simply not punished for ethical violations, unless of course, the violation can be also charged under one of the other methods addressed in this encyclopedia entry. Police organizations do not have professional conduct boards, as do doctors and lawyers, which investigate and punish members of their organizations for professional or ethical misconduct. Although there is the argument that such ethical and moral obligations should be binding upon police officers, unless a basis for prosecution can be found in one of the other methods of enforcement, there is no mechanism to compel a police officer to follow the precepts set in codes of ethics.

Definitely not the least important way to hold police officers accountable is by the civil rights lawsuit. Most civil rights suits are brought under 42 U.S.C. § 1983, which is the federal civil rights statute. This statute allows persons to bring suits against individual police officers and some political entities for civil rights violations. Some states have corresponding laws that allow civil rights suits under state law; however, most civil rights law suits against police officers are brought under 42 U.S.C. § 1983.

Individuals are the parties who bring civil rights lawsuits under 42 U.S.C. § 1983. Such suits not only allow for the award of damages for civil rights violations, they can also yield equitable relief, whereby police officers and certain political entities can be enjoined from continuing to violate civil rights. Further, individuals whose rights have been violated can obtain declaratory relief, which is a statement that certain civil rights have been violated, even if no damages are awarded. Such declarations can serve to place police officers on notice as what misconduct will be recognized as illegal.

The Standards

As with any criminal case, the standard of proof is beyond a reasonable doubt. Police officers should not lose this protection under the U.S. Constitution when charged with a criminal act. The issues arise when the decision to prosecute is being made. Some critics hold the position that prosecutors tend to be overly deferential in the charging decision if the defendant is a police officer. As prosecutors have the sole discretion to decide to charge, it is not easy to show that the police have been given special treatment.

The civil standard of proof that applies to any tort or civil rights case is the preponderance of the evidence. As there is no gate-keeping function performed by a government official prior to the initiation of a lawsuit, such as with the prosecutor in a criminal case, it is easier to obtain relief and hold police officers accountable.

The standard of proof in an administrative proceeding is usually the preponderance of the evidence. However, as administrative proceedings are not subject to the rules of evidence or the rules of court procedure, the standard is quite flexible and is usually in favor of the law enforcement agency. Thus, police accountability may be more difficult to obtain in internal administrative proceedings.

The Relief

Whenever any person is wronged, it is only natural that justice is sought. Frequently, the focus of such a desire for justice is the wish for the offending police officer to be held accountable and punished. Frequently, even when a person who has been subjected to police misconduct is successful, he or she does not feel that justice was served, usually because the punishments imposed were mild. This is one of the reasons why independent tribunals are essential for a fair adjudication of when to hold police officers accountable for their misconduct.

Conclusion

In the context of race relations, it is vitally important that the process to hold police accountable is fair. This is especially true in recent years, as, for example, the issue of racial profiling in the context of law enforcement has arisen so many times.

Racial profiling occurs when police officers base their enforcement of the criminal law on race. This does not mean that any subsequent conviction necessarily has to be based on race, only that the actual investigation was conducted, at least in part, based on the race of the suspect. Examples of racial profiling include incidents in the southern United States in which non-White people driving on certain highways in expensive cars were stopped

on suspicion of being involved in illegal drug trafficking. Or, in some cities in the Northeast, if an African American was driving a car and was spotted by the police in certain areas, he was stopped for no reason other than what has been called, ruefully, DWB—"Driving While Black." These are only two examples of how African Americans are treated with discrimination in the context of law enforcement. The literature available on police brutality toward African Americans is extensive, and the incidence of such abuse is not limited to any particular region of the country.

Despite the several avenues available for holding police officers accountable, there is a continuing view that they are, in fact, not being held fully accountable for their misconduct. If the process for holding police officers accountable is not fair and is not perceived as fair, then not only will respect for the criminal justice system fail, but efforts to address racial discrimination in the American criminal justice system will be ineffective.

William C. Plouffe, Jr.

See also Police Use of Force; Profiling, Racial: Historical and Contemporary Perspectives; Public Opinion, Police; *Tennessee v. Garner*; Tulsa, Oklahoma, Race Riot of 1921

Further Readings

Braziller, G. (Ed.). (1972). *The Knapp Commission report on police corruption*. New York: Author.

Human Rights Watch. (1998). *Shielded from justice: Police brutality and accountability in the United States*. Retrieved from http://www.hrw.org/reports98/police

Maas, P. (1997). *Serpico*. London: Bloomsbury.

Skolnick, J. H., & Fyfe, J. J. (1993). *Above the law: Police and the excessive use of force*. New York: The Free Press.

Police Action, Citizens' Preferences

Different societies have different traditions and different needs; even within the same country, different constituents care about different issues. Citizens' preferences are their choices between alternatives and their rank ordering of the importance of those alternatives. A preference serves as a cognitive marker that tells people how to interact with the various elements in their environment. Thus, preferences are stored in memory and drawn on when individuals make decisions. Within this context, citizens' preferences and attitudes are intricately related.

The United States is widely considered to be an advanced industrial democracy where classical liberalism has had the most visible and enduring influence on public policy and consequently on public institutions. Yet in some areas, citizens' ideas and beliefs about the proper roles and functions of governmental institutions have been given limited consideration by governmental institutions, particularly with respect to the role of the police. Minorities' enduring uneasiness toward the police, as highlighted by the attitudinal literature, continues to pose a significant obstacle in improving the police relations with minority citizens. This is likely attributable to police institutions ignoring what citizens, especially minorities, want. A failure to identify and respond to particular groups' preferences will continually be highlighted by dissatisfaction with the police. This entry examines the importance of citizens' preferences with regard to police action and the impact of racial differences in citizens' preferences for police action on the formation of their attitudes toward the police.

Citizens' Preferences and Their Impact on Attitudes

Citizens' preference refers to citizens' predisposition in favor of certain police actions over others and the level of importance citizens place on police actions and behaviors. Police action includes both *policing functions*, such as order maintenance, law enforcement, service, and constitutional guarantees, and *police behavior*, that is, how the police carry out these functions, for example, what levels of respect they demonstrate and what levels of force are used. Citizens have preferences with regard to police functions and how these functions are executed. When these preferences or hopes regarding police action are not fulfilled, the result is likely to be dissatisfaction with the police.

Preferences for how the police carry out their mission are dictated by both socialization and personal experience; Blacks' preferences may differ from those of Whites. Scholars argue that organizations have many tasks and functions, and each organization gives priority to certain functions over others. Organizational theorists argue that goal-based organizations, such as the police, will misrepresent the values of some constituents, but more importantly, such organizations will also view some constituents as more important than others. That is, some constituents' value preferences will count as more important than others, and these are the preferences that the organization will address. By ignoring or misrepresenting the preferences of some constituents, the organization will experience conflicts with its environment and will also be the subject of conflicting and diverse evaluation among its audiences. In particular, police organizations often tend to focus on meeting majority expectations and fail to address minority expectations.

It is reasonable to think that preferences differ among groups in society, given that different groups may well have different needs—group needs may not be monolithic. If these needs are not met, these groups will be unhappy. If minority dissatisfaction with the police is to be addressed, police action needs to address the preferences of all citizens, not just those who actively participate in the political process, or the majority.

Racial Differences and Citizens' Preferences

Research in other areas of policing, such as domestic violence, shows that much dissatisfaction with the police is grounded in police failure to act within the frame of what citizens want. The research has identified many correlates of those attitudes but has not investigated the impact of differential preferences for police action. Analyzing the desired connections between what citizens want and what the police do is important in bridging the dissatisfaction gap evident between minorities and White citizens. There is reason to believe that different audiences served by the police hold differing preferences as to what they want the police to do or how they would like the police to handle situations. It is possible that there could be racial variation in preferences for police action and behavior and that these differences in preferences explain racial differences in attitudes toward the police. It could be argued that when citizens' expectations, based on their preferences, are not met—that is, when groups' preferences are not minimally satisfied—then they will be dissatisfied with the police. Police organizations often tend to focus on meeting majority expectations and fail to address minority expectations. That minority citizens continue to have less-favorable attitudes toward the police compared to Whites may be a result of the failure of the police to address minority preferences and the needs that underlie them.

Research Direction

A question that has yet to be explored thoroughly is whether minorities and Whites differ with respect to their preferences for police action. Although studies have shown that ethnicity is a consistent variable that is primarily responsible for variations in satisfaction and attitudes, the research to date has paid scant attention to the notion that fundamental differences may exist across social groups with regard to underlying preferences for police action. Demographic group preferences are not monolithic, and it is reasonable to argue that sizable segments of the society hold divergent perspectives on the police mission. The differences in assessment of the police that are evident in the literature may be related to racial differences in preferences for police action—both what the police do and how the police carry out the various roles and functions. It is possible that when preferences of a segment of the society are not met, there may be the potential for disenchantment with the police—this is an area of research that needs further exploration.

Denise D. Nation

See also Community Policing; Public Opinion, Police

Further Readings

Brown, B., & Benedict, W. R. (2002). Perceptions of the police: Past findings, methodological issues, conceptual issues & policy implications. *Policing: An International Journal of Police Strategy & Management*, *25*(3), 543–580.

Chandek, M. S. (1999). Race, expectations, and evaluations of police performance: An empirical assessment. *Policing: An International Journal of Police Strategy & Management*, *22*(4), 674–695.

Druckman, J. N., & Lupin, A. (2000). Preference formation. *Annual Review of Political Science*, *3*(1), 1–24.

Nation, D. D. (2008). *An exploratory study of racial variations in preferences for police work*. Unpublished doctoral dissertation, University of Cincinnati, Ohio.

Police Corruption

Police corruption may be viewed as a distinct mode of police transgression, which involves the misuse of police power for officers' benefit or managerial advantage. Police corruption activities include taking bribes in exchange for not reporting incidents of crimes by drug syndicates, traffic violators, and prostitution rings and other illegal activities such as involvements in forging evidence against defendants, false arrest, false confession, intimidation, and police brutality. Officers themselves may be involved in illegal distribution of illicit drugs for financial and personal gains. These behaviors are generally not reported because of the police code of silence rooted in secrecy.

Historically, African Americans, and in some cases, Latinos, have suffered soaring levels of lethal force by the police, bogus arrests, harassment, and maltreatment.

When compared to many other criminological pathologies in vogue today—violent crimes, white-collar crimes, terrorism, gangs, prison overcrowding, illegal immigration, environmental crimes, and drug syndicates—police corruption generally lags behind on the radar screen of criminologists, policymakers, and the public. However, this form of criminogenic pathology thrives in a democracy and affects the everyday lives of the populace, especially the minority population. Surprisingly, theoretical criminology has not focused suitable attention on the malady of police corruption as it has done in other areas of criminological themes. The reason may be that the symptoms of police corruption do not offer fascinating theoretical questions. Additionally, police officers are ordinary human beings perceived to be providing essential services to society and working in jobs that are professed to be dangerous. Moreover, such corruption is characterized by multifaceted incidents that make it a difficult target for scrutiny. Politically, the trend toward a "get tough" philosophy may blind politicians from objectively examining the pertinent issues of police corruption and misconduct, which come in different forms with different meanings.

As in other areas of human endeavor such as corporations, criminal gangs, school classes, and some dictatorial regimes, secrecy in policing maintains group identity and supports camaraderie among members of the group. Preservation of secrecy can foster corruption in a police organization and acts as an elemental rule among the cadre or a tightly knit group of professionals. This is especially true in the area of the narcotics trade, where police officers have been recorded to have engaged in cocaine deals by distributing the illegal product or coalescing with drug dealers for profit. Individual officers, as well as groups of police officers, have been caught and prosecuted, under the rubric of internal and external corruption, in cities such as New York, New Orleans, Washington, D.C., and Los Angeles.

Internal and External Corruption

Although the distinction between internal and external corruption may be blurred because of the interrelatedness of official actions, internal corruption occurs when more than one police officer agrees to participate in illegal activities within a police department. On the other hand, external corruption occurs when one or more police officers within a police department agree to engage in illegal activities with the public or third parties. Assuredly, internal corruption in a police department refers to cases of alleged corruption involving police officers or other officials of police organization involved in corrupt practices, such as fraud, bribery, compulsion or coercion, collusion, blackmail or extortion, or any kind of abuse or misuse of authority. One contemporary example comes from Mexico, a country that has become the cardinal exporter of illicit drugs to the United States. Mexico supplies narcotics, including Colombian cocaine, through various smuggling strategies to the United States. Mexico also supplies

marijuana to the Americas. Mexican drug cartels (the Gulf cartel, the Sinaloa cartel, the Tijuana cartel, and the Juarez cartel) are able to accomplish this task because there is a market for narcotics in the United States and because U.S. officials have been unable to control the border regions. Through corrupt practices, the drug cartels, in tandem, have successfully bribed police, border officials, and other government officials for easy drug traffic. Because some police departments are underfunded and officers underpaid, they may fall prey to the cartels' lure of money. Additionally, departments need money to fund their arsenal to better fight the well-funded cartels' often superior resources.

In the United States, examples of internal police corruption are plentiful. Some criminologists have labeled as "petit apartheid" the overpolicing of Blacks in urban ghettos where police officers, during "ride arounds," have placed Black males in their cars and beaten them without charging them for crimes. One typical and popular example of internal corruption in this manner was the 1991 videotaped beating of Rodney King in Los Angeles. This experience illustrated to the international community that police brutality in the ghettos continues to inflict deadly damage on the physical bodies of America's minority poor and racial groups. In another horrendous incident, Abner Louima in New York City was arrested in a scuffle outside a Brooklyn nightspot in 1977 and was taken to the 70th precinct stationhouse. While he was there, an officer named Volpe shamelessly and brutally sodomized Louima with a broomstick, resulting in internal injuries requiring surgical repair. Later, Louima sued the New York City Police Department, insisting that its officers had conspired to create a wall of secrecy and lies to obstruct justice. Punitive force as envisioned by the courts must be used by police only if the lives of the officers are in danger or the lives of civilians are threatened. To put it in another way, justification for the use of force must be based on the rule of law, the arresting officer's safety, and the protection of human life.

Police officers are expected to maintain the highest ethical standards in the performance of their official duties. External corruption results when police officers, in the capacity of their authorized roles, conspire with third parties, such as drug dealers, for personal gain. External corruption usually includes bribery of the police by violators of the traffic laws, settlement of the police by individuals who consistently contravene the criminal law for monetary gain, or officers' receipt of discounts and favors from businesses in the course of their duties.

Beyond excessive force, slightly more than a decade or so ago, drug incidents involving the police in Miami, Florida, received extensive media coverage. The events involved drug-related corruption and large sums of money. In what is generally referred to as the "Miami River Cops" case, about 100 police officers were mixed up in multimillion-dollar drug dealings with third parties. Indeed, some of the officers were charged with planting evidence such as guns, manipulating evidence, or covering up crimes by others. For all intents and purposes, the officers were allegedly accused of shooting and killing suspects and fabricating evidence to cover up their own misconduct. Some of the police officers were fired, sentenced to prison, reprimanded, arrested, or suspended for robbing cocaine dealers of cash and dope and for shooting unarmed young Black men. This scandal generated a lack of trust and confidence in the Miami police department.

Reportedly, the chief of police in Miami requested that the U.S. Department of Justice conduct a study aimed at combating corruption in police departments. The department's study, conducted by the International Association of Chiefs of Police, identified a number of important areas for battling corruption. These include that the leadership of the police department must provide a strong direction that corruption should not be part of the police culture, an emphasis on police accountability and integrity, the monitoring and evaluating of police actions, and the development of training manuals about police corruption and strategies to control it.

Analysis of Police Corruption

Police corruption is a symptom as well as a source of dysfunction within a police department that operates within a democracy. Corruption leads to inefficiency of a police department and creates distrust and lack of confidence between the police and the citizens that they police. In a democracy,

the police must operate based on the principles of good policing, which includes the total observance of the rule of law in the discharge of official police duties. Police officers who take bribes, plant evidence, forge documents, and use excessive force against individuals are in violation of the democratic principles that govern their duties. Corruption breaks the relation between collective decision making and citizens' desire to help the police solve crimes. Moreover, a corrupt officer undermines the democratic capacities of the relations between the police and the community. Corruption threatens proper police–community relations and creates hostility between police and citizens.

Each police department must take seriously any act of abuse or misuse by officers for personal enrichment by establishing committees that report directly to the internal affairs arm for disciplinary and investigative actions. To properly battle the problem of corruption, there should be good governance that emphasizes transparency, predictability, accountability, responsibility, and disclosure. At the same time, it is important to recognize that not all alleged accusations of corruption are true. This means that there must be an objective investigation of all allegations prior to any official actions against officers. The work of police officers is dangerous, and some citizens may dislike police officers generally—leading to false accusations. Where prudent investigation determines culpability and the effective weeding out of corrupt officers from the department, punishment must follow in order to prevent recurrences of such incidents as that of the Miami River Cops discussed earlier.

Finally, society's need to control police corruption calls for a sustained and dedicated effort to reform the unwritten law of police secrecy. The literature suggests that the norm of the police code of silence emerges from occupational needs and is so strong that officers will break the law in order to preserve it. Although it may prove exceedingly difficult to eliminate the wall of secrecy from policing, police chiefs and commissioners need to take the initiative by officially discouraging the practice of secrecy within police culture and by continual reminders of the high ethical and moral standards the public expects police officers to uphold.

Ihekwoaba D. Onwudiwe and
Chibueze W. Onwudiwe

See also Mollen Commission; Police Accountability; Police Use of Force; Rampart Investigation

Further Readings

Barlow, D. E., & Barlow, M. H. (2000). *Police in a multicultural society: An American story*. Prospect Heights, IL: Waveland Press.

Carter, D. L. (2002). *The police and the community*. Englewood Cliffs, NJ: Prentice Hall.

Georges-Abeyie, D. (1984). *The criminal justice system and Blacks*. New York: Clark Boardman.

Holloway, B. (2002). *Police corruption*. In A. J. McKee (Ed.), *International encyclopedia of justice studies*. Retrieved from http://www.iejs.com/Policing/police_corruption.htm

Warren, M. E. (2004). What does corruption mean in a democracy? *American Journal of Political Science*, *48*, 328–343.

Westley, W. A. (1956). Secrecy and the police. *Social Forces*, *34*, 254–257.

Police Use of Force

Police officers act as agents of social control in a society. As such, one of their most readily distinguishing characteristics is their lawful authorization to use coercive force during the conduct of their duties. While a society gives law enforcement officers the authority to impose force on its citizens for the sake of public safety and protection, at the same time the officers have obligations to use their coercive powers legitimately. The issue of race takes on importance because alienation and distrust of police by particular groups in the community can emerge as a consequence of improper use of police force. This can have negative effects for both the police and the community.

Most broadly defined, police use of force involves any type of physical control or restraint imposed upon a member of the public. Use of force may occur during arrests, in the course of interventions in ongoing assaults, or in crowd control situations. Officers use various levels of force to protect themselves or others, to sustain an apprehension or to maintain control of a situation. Police use of force includes a range of responses,

such as establishing a physical presence; giving verbal commands; administering weaponless holds, punches, or kicks; using chemical irritant sprays, batons or stun guns, and lethal force. The majority of arrest situations do not involve physical force, and most of those uses are weaponless applications of force. However, some of the most controversial issues associated with law enforcement revolve around the use of force, particularly when the public or media perceive that the force was unnecessary or excessive. Force is considered excessive when an officer uses more than is needed to maintain control of a situation, induce compliance of a suspect, or sustain an apprehension. Excessive force by police can result in citizen distrust and outrage, as was made clear by the overwhelming public reaction to the 1991 beating of Rodney King by Los Angeles police officers.

When Police Use Force

A 2001 study conducted by the International Association of Chiefs of Police (IACP) resulted in several key findings. The report was based on data collected nationwide from 1994 to 2000. The principal finding was that overall, police rarely use force. The study reports that police use force 3.6 times per 10,000 calls for service, or less than 1% of the time. The report noted that this finding is consistent with other studies.

The IACP study also reported that complaints of excessive use of force by police were comparatively rare, with 750 complaints being registered out of over 174,000 calls for service incidents, or 0.42% prevalence.

Other findings of the study were that arrest situations were the most common conditions in which force was used, followed by disturbances and traffic stops. The study also reported that situations in which the suspect was under the influence of alcohol or drugs were most likely to result in use of police force. Finally, the study stated that in incidents where racial descriptions of the officers and suspects were reported, 44% involved White officers using force on African American suspects, 39% involved White officers using force on White suspects, 7% involved African American officers using force on African American subjects, and 3% involved African American officers using force on White subjects.

Race and Police Use of Deadly Force

Although the issue of White officers using deadly force against minority suspects is a controversial and highly charged issue, research by James Fyfe suggests that although minorities are more likely to be shot by police, they are also more likely to attack police with weapons. The study also reported that minority police officers are more likely to use deadly force than are White officers. This finding might be partially explained by patrol assignments: Minority officers might be more apt to be assigned to crime-ridden urban sectors. Another study by Fyfe, conducted in Memphis, reported that police were twice as likely to use deadly force against African American property offenders as against White property offenders. Therefore, the issue of racially biased use of deadly force remains a controversial issue for scholars, police officers, and citizens.

The Continuum of Force

For the use of force by police to be considered proper, officers must act in accordance with the law and with departmental policies. One of the standard requirements for officers to follow is the force continuum, which sets forth progressive levels of permissible force to be used by officers in response to suspect actions. Law enforcement officers must base their actions on the level of resistance offered by the suspect. Although there are different models of the force continuum, most share the basic progressive use of escalating levels of force as determined by levels of suspect resistance. In general, officers begin with the least amount of force needed to control the suspect or a situation and progress to higher levels as necessary. The lowest level of force is officer presence, or command presence. The officer's projection of authority through posture, identification as a law enforcement officer, uniform, stance, and physical presence is sufficient to be considered the first level of force. The next level of force is the use of command voice (or verbal force), in which the officer gives spoken directives to the suspect. An example of this might be instructing a suspect to halt aggression, come out of hiding, or to remain in one area. The Department of Justice notes that verbal directives should first be used to attempt to

control a situation if feasible. The next step, less-than-lethal force, includes a variety of tactics that can be further subdivided into the use of hands (compliance holds, blocking, striking, etc.), chemical irritant weapons, impact weapons (collapsible or fixed batons), Taser weapons, canines, or less-lethal projectiles such as rubber bullets. These less-than-lethal measures are used to control physically combative suspects, prevent the escape of fleeing felons, and protect the officer and others. It should be noted that these measures should be considered as "less-lethal," not "nonlethal," because they can carry varying degrees of risk of accidental death to the suspect. An example of this would be positional asphyxia, in which a suspect who is "hog-tied" with hands and feet restrained together can suffocate, especially if the police officers apply weight to the suspect's back for prolonged periods. The highest level of force, lethal, refers to force by firearm. This level of force is authorized only to protect the officer or others from imminent threat to life or from gravely serious physical injury. This extends to stopping a fleeing suspect who poses such immediate threat to others. Although this level of force is most commonly used against suspects who offer a threat with a firearm, the reasonableness of the officer's perception is the key point in determining whether this use of force is proper or not.

Police training authorities and scholars note that every use-of-force situation is unique and that agencies should supplement their continuum model with written policies. The Department of Justice advises that law enforcement agencies develop written policies not only for the levels of force set forth in the continuum model but also for other circumstances, such as firing at moving vehicles. The force continuum provides a structure for officers to escalate or de-escalate their own actions, as dictated by the actions of the suspect, but the Department of Justice notes that the particular circumstances of each situation must be taken into account by the officer. It should also be noted that officers are not required to exhaust all initial levels of force before progressing to higher levels if the actions of the suspect warrant them. For example, an officer conducting a traffic stop in which the driver jumps out of the car with a gun can reasonably jump directly to lethal force without first going through the lower levels.

Federal policy on the use of lethal force includes several components. Besides the requirement that lethal force be reserved for suspects who pose the threat of death or great bodily injury to the officer or others, it also requires a verbal warning to the suspect before using deadly force, as long as doing so would not subject the officer or a citizen to greater danger. This policy also forbids the use of warning shots and prohibits firing at a moving vehicle to stop it (unless there is an additional threat to life posed by the vehicle's occupants).

The Legal Environment

Two important Supreme Court decisions that apply to the police use of force are *Tennessee v. Garner* (1985) and *Graham v. Connor* (1989). The first decision applies to the use of deadly force in stopping fleeing felons. In *Garner*, a 15-year-old unarmed burglary suspect, Edwin Garner, was fatally shot by Memphis police after attempting to flee the officers by climbing a 6-foot-high fence. The Memphis officers did not believe that the youth was armed and were acting under a Tennessee statute that "the officer may use all the necessary means to effect the arrest" of a fleeing or forcibly resisting criminal suspect. Garner's father claimed that his son's constitutional rights had been violated and filed suit against the city. The action eventually made its way to the U.S. Supreme Court, which ruled that police apprehension of a suspect constituted a seizure under the Fourth Amendment and must therefore be "reasonable." The Court further stated that the use of deadly force to seize nondangerous fleeing felons was not reasonable when balanced against the suspect's rights. The key finding of the decision was that police may not use lethal force to stop fleeing suspects unless the suspect "poses a significant threat of death or serious physical injury to the officer or others."

In *Graham v. Connor*, the Court addressed the subjective idea of *reasonableness* as it applies to the use of police force and in determining if the use of force was excessive. This resulted in the establishment of the "objective reasonableness" standard. In this case, Graham, a man with diabetes, was suffering from an insulin reaction. He and a friend stopped at a grocery store to buy orange

juice to offset the effect. Seeing a long line of customers in front of him, Graham left the store and returned to the vehicle to ask his friend to drive him somewhere else. Police officer Connor thought that Graham's behavior was suspicious and stopped the men to investigate further. Connor had the men step out of the car, considered Graham to be acting strangely, and the confusion of the situation escalated into the use of physical force by officers on Graham. Graham sustained multiple injuries, including a broken foot. Graham claimed that police used excessive force. The Supreme Court eventually heard the case and ruled in favor of Officer Connor. The Court decided that claims of police use of excessive force must be examined by the Fourth Amendment standard of reasonableness and that cases should be determined by how a reasonable police officer might act in a certain situation. The Court ruled further that the motivations or thoughts of the officer were not to be considered, only the officer's actions in light of the facts and circumstances of the particular situation. The Court further noted that police officers are required to make decisions in the face of quickly unfolding events. The objective reasonableness standard remains the benchmark by which police use of force is analyzed.

Excessive Force and Police Brutality

Any force that exceeds the amount necessary to control a suspect or to maintain order in a situation is considered to be excessive and is judged by the objective reasonableness standard of how a hypothetical, reasonably competent officer would act under the same circumstances. Police brutality, unlike excessive force, occurs when there is evidence of malice and intent to harm on the part of the officers. Although unnecessarily pushing or striking a suspect in the course of an arrest could be deemed excessive force, such actions would be judged without looking at the officer's intent or motivations. In the case of brutality, the officer's intent and motivations are relevant. The distinction between these two becomes clear when one considers the case of Abner Louima as an illustration of police brutality.

Louima was a Haitian immigrant who was arrested in 1997 for disorderly conduct during a fracas outside a New York City nightclub. He reported that while in custody he was forced into the station restroom and sodomized with a toilet plunger by one officer while another held him down. Louima's injuries to his rectum, intestine, and bladder were extensive and required several surgical procedures. Officer Justin Volpe later admitted to the assault, and Officer Charles Schwarz was also convicted for participating. Several other officers were convicted for related charges.

Legal Consequences

Police agencies and individual officers are subject to a range of legal consequences, both civil and criminal, for excessive force and brutality. Individual officers who use excessive force or exercise brutality are subject to criminal prosecutions, as in the Louima case. They are also subject to civil lawsuits from citizens who claim that their rights have been violated. Agencies, municipalities, states, and the federal government can be held liable for the actions of law enforcement officers if it can be demonstrated that these bodies were negligent in hiring, assigning supervising, or training them. Louima was awarded $8.7 million in his civil lawsuit against the city and the police officers' union.

Officers can also be charged in federal court for violating the constitutional rights of citizens. In the case of the 1991 beating of Rodney King, the officers involved were acquitted of criminal charges in state court (with the jury being unable to decide on a count against one officer). However, in federal court, Sergeant Stacey Koon and Officer Laurence Powell were found guilty of violating King's constitutional rights and were sentenced to 30 months in a federal correctional camp.

In another case, three White Detroit police officers were tried for the murder of Malice Green. In November 1992, Green, an unemployed African American steelworker, refused to exit his vehicle when questioned by undercover officers Larry Nevers and Walter Budzyn. The officers summoned backup and dragged Green from the car, striking him with their flashlights. Five additional officers arrived, including Robert Lessnau, who also began beating Green. Green later died from his injuries. The officers were later tried in criminal court. Nevers and Budzyn were convicted of murder, although Nevers's murder conviction was

later overturned and he was subsequently found guilty of involuntary manslaughter. Lessnau was found not guilty of aggravated assault.

Clearly, when officers make the decision to use any level force in a particular situation, their choices of action may come under intense scrutiny by the media, the public, the police department, the judiciary, and the legislature. The right of police officers to protect themselves and their obligations to public safety and the criminal apprehension mission are counterbalanced against citizens' rights against unlawful seizure and to equal protection under the law. When officers employ deadly force, they also may face other consequences for their actions.

Deadly Force: Other Consequences

The use of deadly force by officers can have effects beyond legal or agency disciplinary action against them. Police use of deadly force against suspects is relatively rare. One source reports that an average of 600 suspects a year are killed by police, while twice as many are shot and wounded.

Officers who do employ deadly force often suffer traumatic emotional effects from their actions. Police agencies are now developing support systems to counsel officers and assist them in dealing with their feelings of depression and stress. One particular phenomenon that takes a devastating emotional toll on officers is "suicide by cop," in which suicidal individuals force an officer to use deadly force against them by posing a lethal threat to police or others. One source reports that as much as 10% of police shootings in Los Angeles could be considered as suicide-by-cop incidents.

The use of force by police continues to present controversial issues with respect to the nature of the relationship between law enforcement and society. Perceptions of discriminatory brutality or excessive force against particular groups based on racial or ethnic biases can have harmful effects on both the community and the police who serve it. The objective reasonableness standard provides guidance for judicial decision making when addressing excessive force suits, but true understanding of the reality of each set of circumstances of officer–citizen force situations may be difficult to discern. The force continuum also provides officers with a tool to use when making decisions about their actions, but training should also focus on descending the levels of the continuum ladder, when appropriate, in response to suspect resistance levels. Although the Supreme Court recognizes the difficulty officers face in making split-second decisions about how to apply force, law enforcement agents will continue to face public scrutiny in high-profile cases of egregious brutality or excessive force.

David R. Champion

See also *Brown v. Mississippi*; King, Rodney; Los Angeles Race Riots of 1992; Police Accountability

Further Readings

Birzer, M. L., & Roberson, C. (2007). *Policing: Today and tomorrow*. Upper Saddle River, NJ: Prentice Hall.

Crank, J. P. (2003). *Understanding police culture* (2nd ed.). Cincinnati, OH: Anderson.

Graham v. Connor, 490 U.S. 386 (1989). Retrieved from http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=us&vol=490&invol=386

International Association of Chiefs of Police. (2001). *Police use of force in America*. Retrieved from http://www.theiacp.org/documents/pdfs/Publications/2001useofforce.pdf

Schmalleger, F. (2007). *Criminal justice today: An introductory text for the 21st century* (9th ed.). Upper Saddle River, NJ: Prentice Hall.

Tennessee v. Garner, 471 U.S. 1 (1985). Retrieved from http://www.augustana.edu/users/Podehnel/cases/Garner%20ed.htm

U.S. Department of Justice, Bureau of Justice Statistics. (1999). *Use of force by police: Overview of national and local data* (Report No. NCJ 176330). Retrieved from http://www.ojp.usdoj.gov/bjs/abstract/ufbponld.htm

Political Prisoners

The concept of political prisoners is one that is hopelessly trapped in definitional nebulosity and falls within the scope of issues related to the infringement of basic human rights. The problem of defining the term *political prisoners* is related to several factors, and lacking a standard legal definition, the term has been employed in a variety of

differing contexts. In view of several international agreements expressly prohibiting behavior that falls within a colloquial understanding of the concept, several examples of political prisoners throughout history are highlighted in this entry. Finally, the role of nongovernmental organizations in tracking and assisting political prisoners is addressed.

Defining *Political Prisoners*

Defining *political prisoners* in a strictly legal sense is, at present, a task that is simply not possible. In a 1961 letter that served as a catalyst for the establishment of the international human rights organization Amnesty International, Peter Benenson coined the term *prisoner of conscience* to describe two Portuguese students who had been sentenced to 7-year prison terms for the alleged "crime" of making a simple toast to freedom in spite of the dictatorial Salazar government in power at the time. Since then, the terms *political prisoner* and *prisoner of conscience* have been used interchangeably, although most agree that the latter expressly refers to dissident prisoners who neither condone nor advocate personal violence.

The specific legal definition of what constitutes a political prisoner is elusive, as it has been used in many contexts. This is clearly indicated even when limited to one specific nation-state. For example, amid the turmoil of the civil rights movement in the United States during the 1960s, the term *political prisoner* was used to denote those who had been imprisoned for their opposition to a government that supported a system of racial segregation. The following decade saw the internment of those who conscientiously opposed U.S. expansion of the Vietnam War, and as a result both AWOL ("absent without leave") draftees and concerned protesters were arrested and subsequently declared themselves political prisoners. To add further confusion, there was yet another subsequent movement in the United States, which recognized the disparate rates at which minority groups were sentenced to incarceration, and there was a complementary push to define *all* criminal offenders as political prisoners in light of what appeared to be a tacitly racist government agenda.

What all conceptualizations and working definitions of political prisoners have in common is their acknowledgment of the importance of power relations, specifically between dissidents and agents of governmental authority or ruling elites; political prisoners stand as symbolic representations of attempted challenges to the status quo. Whatever ideological context that challenge is embedded within—be it racial, economic, political, or religious—a standard definition of political crimes (and hence political prisoners) must differentiate them from the activities and behaviors of common criminals. Some scholars have specified the criteria by which political prisoners can be differentiated from common criminals: The former are involved in some type of group struggle against ruling elites, whereas the latter's activities typically involve an element of satisfying self-interests.

Unfortunately, it is not possible to classify the concept of political prisoners as purely political or legal, as it incorporates elements of both aspects in its nature. Consequently, standard legal definitions have remained elusive. Despite this lack of legal clarity, historical and contemporary examples of political prisoners underscore the fact that individuals have been sanctioned by legal systems and imprisoned by political regimes not for their violation of codified laws but for their thoughts and ideas that have fundamentally challenged existing power relations.

Some legal institutions have attempted to define the term *political prisoners*, most commonly within the context of a particular country or regime. For example, the U.S. Congressional Executive Commission on China defines a political prisoner as any individual who is detained for exercising "his or her human rights under international law, such as peaceable assembly, freedom of religion, freedom of association, free expression including the freedom to advocate peaceable social or political change, and to criticize government policy or government officials." The sweeping set of behaviors that potentially fall within this definitional umbrella make it difficult to differentiate the behavior of the political prisoner from that of the criminal seditionist, given that the nature of the dissident's activity is a matter of interpretation.

Despite this particular formal working definition, it appears unlikely that any ground will be gained in the near future with respect to codifying

a standard legal definition of political prisoners for the following reasons. First, a legal definition is hindered by the logical notion that one is ascribed the status of being a political prisoner only after capture; prior to that, potential political prisoners may be considered dissidents, revolutionaries, social reformers, or radical thinkers, depending upon the nature of their activities and how their activities are interpreted. Second, a political trial is neither necessary nor sufficient in producing a political prisoner, as there are numerous examples of political prisoners interned without trial or even without charges to respond to. Third, the nature of the behavior that leads to political imprisonment is indefinable, as authorities have often justified internment as necessary to protecting state security without providing clarification as to how the behavior of the political prisoner presented a challenge to the maintenance of such. To make matters worse, in some instances political prisoners have been interned for mere *suspicion* of activity deemed questionable by ruling elites. Fourth, government denial is an unfortunate characteristic of political imprisonment, much to the detriment of post hoc legal codification. The political prisoner often exists in a legal quagmire without access to representation within a state apparatus that expressly denies his or her existence, where cruel and inhumane methods of punishment and internment can proceed without any realistic hope of protective oversight or intervention. Despite the lack of a standard legal definition of *political prisoner*, nongovernmental organizations like Amnesty International track the status of political prisoners worldwide and, with the assistance of legal scholars on a case-by-case basis, determine whether prisoners meet their criteria of political prisoners.

The Universal Declaration of Human Rights and Political Prisoners

The mere existence of contemporary political prisoners highlights the fact that states holding them are acting in disaccord with several major international humanitarian agreements. Most relevant is the Universal Declaration of Human Rights, which was adopted by the United Nations General Assembly in December of 1948. While not legally binding, the declaration was intended to serve as "a common standard of achievement for all peoples and all nations." Several articles are of particular relevance to the issue of political prisoners. Article 5 states that "no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." Because political prisoners are often held under conditions of secrecy, without independent oversight or restraint, reports of their treatment have been expectedly deplorable.

To follow suit, Article 6 of the Universal Declaration states that "everyone has the right to recognition everywhere as a person before the law." Political prisoners are often held on trumped-up charges or no charges at all, effectively denied this right. In addition, related to the issue of political prisoners are cases of forced "disappearances," where those opposed to ruling elites have been made to physically and legally vanish without governmental acknowledgment of their detention. A practice that historians believe began with the Nazi regime, "disappeared" persons are denied even the right to legally exist and be labeled a political prisoner.

In similar fashion, Article 9 of the Universal Declaration states that "no one shall be subjected to arbitrary arrest, detention or exile." Although most countries recognize the offenses of treason and sedition, these categories of offenses do not capture the essence of political crimes that fall under the rubric of voicing opinion contrary to that of ruling elites. Given the lack of a standard legal definition of political crimes in most countries, political prisoners are often faced with either answering to charges that are manufactured to fit the situation or being held without cause, depending on the sociolegal structure of the government or regime in power.

Of particular relevance to political prisoners is Article 18, which guarantees the right to "freedom of thought, conscience and religion." As has been noted, one of the hallmarks of historical and contemporary examples of political prisoners is the challenge they represent to the status quo. The free expression of contrary and dissenting opinion is not a legitimate rationale for internment, despite vague and clichéd state concerns for national security.

The Universal Declaration of Human Rights influenced the human rights provisions of the subsequent Conference on Security and Co-operation in Europe (commonly referred to as the "Helsinki

accord"). Signed in 1975 by 35 countries, the pact holds that participating states "will respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction to race, sex, language or religion." Following its adoption, some of the major signatories to the pact have been charged by human rights organizations with holding political prisoners, interned for little more than exercising their right to differ ideologically with those in power.

Historical Examples of Political Prisoners

Perhaps the earliest record of political imprisonment involved the famous Greek philosopher and educator Socrates, imprisoned in ancient times for the crime of allegedly "poisoning" the minds of Grecian youth through his incisive and epistemic critique of Athenian social and political life. Historians affirm another early example of political imprisonment lay in the internment of Joan of Arc following her opposition to the ruling Normans/English, who convicted her, via faux trial, for heresy.

Modern examples of political prisoners can be divided into several categories depending upon the type of opposition they present to ruling elites—be it along racial, religious, economic, or political lines (to mention a few). In the United States, the modern era of political prisoners began on December 1, 1955, when Rosa Parks refused to relinquish her seat on a Birmingham, Alabama, public bus. Her patent refusal to accept legislative policy that held African Americans in a position of inferiority resulted in only one night of confinement, but it set off a civil rights movement that would see thousands revolt and face punishment for railing against governmental policies viewed as fundamentally racist.

Perhaps the most famous of political prisoners associated with the civil rights movement in the United States was Dr. Martin Luther King, Jr., who was imprisoned in October 1960 for attempting to receive service at a segregated lunch counter. His detention on trumped-up charges related to a minor traffic offense was intended to conceal governmental disdain for his activities, which were aimed at challenging existing racial hierarchies. A subsequent internment for participating in a nonviolent demonstration resulted in the publication of the "Letter From a Birmingham City Jail" in April 1963, one of the most important historical documents penned by a modern political prisoner.

Nelson Mandela represents another example of a former political prisoner interned for his resistance to racial hierarchies. Although not completely resigned to using nonviolent means, Mandela was interned for 27 years for fighting the government-supported system of apartheid in South Africa. His imprisonment set the stage for his eventual role as president of South Africa, proving that, however improbable, political prisoners can use their status to fundamentally challenge and alter existing racial and social power relations.

Political prisoners have also been interned in the United States for acts of omission, particularly when expressing an ideology of pacifism or unwillingness to comply with governmental policy advocating violence. Conscientious objectors of the U.S.-led Vietnam War faced either court-martial or ostracization to neutral countries to avoid facing imprisonment for failing to abide by the will of a ruling class that had decided war was the appropriate course for promoting democracy.

An extreme example of political imprisonment can be found in the sad history of the Cambodian revolution, led by the dictatorial government of Pol Pot. Those who even tacitly denied the legitimacy of the Khmer Rouge's agricultural revolution were interned in "reeducation" facilities or killed outright, including those who were viewed as *potentially* hostile to the regime, such as academics, urban dwellers, and bureaucrats.

Conclusion

Amnesty International is the most powerful and visible opponent of political imprisonment on the global stage and has quixotically attempted to track and provide support for political prisoners throughout the world. Committed to assisting only prisoners of conscience who advocated nonviolent methods of dissent, the organization maintains registers of political prisoners for most of the countries of the world who intern such populations. Amnesty International orchestrates mass

letter-writing campaigns to appeal for the release of political prisoners, incarcerated for their beliefs, worldwide.

Douglas J. Dallier

See also Abu-Jamal, Mumia; Black Panther Party; Davis, Angela; Jackson, George; Peltier, Leonard; Sentencing; Wrongful Convictions

Further Readings

Becker, T. L. (Ed.). (1971). *Political trials*. Indianapolis, IN: Bobbs-Merrill.

Benenson, P. (1961, May 28). The forgotten prisoners. *The Observer Weekend Review*.

Conference on Security and Co-operation in Europe: Final Act. (1975). Retrieved from http://www.osce.org/documents/mcs/1975/08/4044_en.pdf

Congressional-Executive Commission on China. (2004, November 5). *Political prisoner database*. Retrieved June 15, 2008, from http://www.cecc.gov/pages/victims/databasefaq.php

Goodell, C. (1973). *Political prisoners in America*. New York: Random House.

Morsink, J. (1999). *Universal Declaration of Human Rights: Origins, drafting, and intent*. Philadelphia: University of Pennsylvania Press.

Sobel, L. A. (Ed.). (1978). *Political prisoners: A world report*. New York: Facts on File.

Powell v. Alabama

The 1932 case of *Powell v. State of Alabama* was the first of three U.S. Supreme Court cases (*Powell; Patterson v. State of Alabama,* 1935; and *Norris v. State of Alabama,* 1935) that arose as a result of events beginning on March 25, 1931, in Alabama. Nine African American males ranging in age from 13 to 20 were arrested for allegedly raping two White females, Victoria Price and Ruby Bates, while hopping a ride without fare on a train through Alabama on its way to Tennessee. This entry describes the initial events and the Court's reasoning in *Powell v. Alabama*. In their ruling, the Court threw out the convictions of the men, who came to be known as the Scottsboro Boys; however, they were subsequently retried and convicted.

Arrest and Trial

Accounts of the events indicate that a fight broke out between a number of African American males and a group of seven White males, resulting in six of the White males being thrown off the train. When the train reached the town of Paint Rock, Alabama, reports of rapes by the African American men had already been wired ahead. Authorities took the men into custody, and they were brought to the county seat of Scottsboro where a mob was already gathered. The presiding judge had arranged for the militia to transport, safeguard, and provide courtroom security during the proceedings due to the hostility and negative overall sentiment of the local public.

The men were indicted on rape charges 6 days after their arrest. The judge presiding over the pretrial proceedings had appointed all the members of the bar to represent the defendants for the purpose of arraigning the defendants. Pleas of "not guilty" were entered into the record. The men were held pending their trial, which began literally less than 2 weeks following their arrest. Reports indicate that they did not have extensive contact with legal representation or family members prior to trial.

The nine men were tried on rape charges in three separate trials, each of which was dispatched within a single day. All were convicted of rape, despite the lack of physical evidence, failure to provide due process, and unconvincing testimony from the two women who had made the accusations. The jury determined the punishment, which could have ranged from 10 years in prison to death. A mistrial was declared in the case of the youngest defendant, Roy Wright, because the jury had held out for the death penalty even though the prosecution had asked only for a life sentence because of his age. The remaining defendants were sentenced to death. The International Labor Defense, which was a legal arm of the Communist Party of the United States, came to the legal aid of the men. After national and international protests, the cases were appealed to the Alabama Supreme Court. The attorney general of Alabama argued the case at the Alabama Supreme Court, where his father sat as one of the seven justices. The Alabama State Supreme Court upheld seven of the eight verdicts on appeal.

The Supreme Court's Ruling

The case was appealed to the U.S. Supreme Court on the grounds that the defendants were denied due process and equal protection of the law as guaranteed in the Fourteenth Amendment. The constitutional violations were alleged due to denial of the right to adequate counsel, denial of a fair and impartial trial, and denial of the right to a jury of their peers since qualified members of their race were excluded from the jury pool.

The issue central to the decision in *Powell v. Alabama* was whether the defendants were denied the effective assistance of counsel, which the Court concluded would negate the discussion of the other legal issues if decided in the affirmative. The U.S. Supreme Court decision noted that all the defendants were illiterate and were without the economic means to secure their own legal representation. No specific legal counsel had been named, appointed, or otherwise secured for the defendants after the arraignment until the morning of the day the trial began. In the Supreme Court decision in *Powell v. Alabama*, the transcript of the exchange between the trial judge and lawyers present in the courtroom just prior to the start of the first trial indicated that no attorney in particular was ready to take on the role of the defense. The Supreme Court noted that the appointment of defense counsel had been arranged for the arraignment, but it had left open the question as to the status of defense counsel for trial. Two attorneys were present in the courtroom, although one attorney was not a member of the Alabama bar; he specifically stated that he would assist another attorney appointed by the court, as he did not prepare a defense and he was unfamiliar with Alabama law.

The Supreme Court noted that by naming all the members of the bar as the men's legal representation, the presiding judge ensured that, even if all the members had shown up to participate, no specific person would have had the responsibility to conduct a thorough investigation and a zealous representation of their clients. The appointment of legal counsel just prior to the start of the trial resulted in merely pro forma legal representation for the men. Because the trial would begin that day, there was literally no time to become familiar with the facts of the case, adequately investigate the facts of the case, or build a credible defense to the charge prior to trial.

Because the trial, for potentially a capital crime, began only days after the arrests, the Supreme Court was troubled by the lack of contact between the men and their families prior to trial. The Court noted that with adequate notice and communication, family members might have been able to help secure representation, given that representation was secured after conviction as noted with the efforts of the National Association for the Advancement of Colored People and the International Labor Defense. The Court also noted that the question was not asked whether the defendants were able to secure legal assistance through family or friends, and no delay in the trial schedule was offered to determine whether outside legal assistance was possible.

In its ruling, the Court noted that if the case had concerned only the right to counsel recognized by state law or state constitution, the U.S. Supreme Court would have been powerless to intervene because the matter was addressed by the Alabama Supreme Court. The Court noted that the right to adequate legal counsel is of a fundamental character to the notion of due process of law. The Court determined that the denial of the trial court to make effective appointment of counsel was in violation of the due process clause of the Fourteenth Amendment; the case was remanded for a new trial.

After *Powell v. Alabama*

The Scottsboro incident would symbolize the dual system of American justice based on race conspicuously present in the early 20th century. There were eventually seven retrials in the case. Although the physical and testimonial evidence against the men was considered weak, Wright remained in prison until he was paroled in 1950. Patterson, who escaped from prison in Alabama in 1948, was taken into custody in Michigan 2 years later. When Michigan did not cooperate with the extradition order of Alabama, legal efforts against Patterson were dropped. In 1976, Alabama Governor Wallace pardoned Norris.

David A. Mackey

See also Death Penalty; Institutional Racism; *Norris v. Alabama*; Racism

Further Readings

Goodman, J. (1994). *Stories of Scottsboro*. New York: Pantheon Books.
Kennedy, R. (1997). *Race, crime and the law*. New York: Pantheon Books.
Norris v. Alabama, 294 U.S. 587 (1935).
Patterson v. Alabama, 294 U.S. 600 (1935).
Powell v. Alabama, 287 U.S. 45 (1932).

PRESENTENCING

The presentencing phase of the criminal justice process is the time period after a defendant is found guilty of a crime and before the judge imposes a sentence. One of the most important documents considered during the presentencing phase is the *presentence investigation report*, which provides comprehensive coverage of a defendant's social and criminal history for the court. Ultimately, the aim is to provide guidance to the judge in matching the severity of the crime and the harm that it causes to a punishment deemed appropriate. Generally, a probation officer is responsible for conducting the investigation. During the investigation, the probation officer may review many documents, such as plea agreements, probation and parole violations, and other information pertaining to the defendant, such as medical history, physical and mental health, substance abuse, educational attainment, employment, and family history. After an evaluation of the data, the probation officer submits the report, including a sentencing recommendation, to the judge.

Brief History of Presentence Investigation Reports

Presentence investigation reports date back to the late 1800s in the criminal justice system. By 1943, federal courts issued a handbook designed to provide guidance on conducting presentence investigation reports. Over time, presentence investigation reports have evolved to become one of the most important sources of information utilized by sentencing judges. Initially, presentence investigation reports were designed to promote individualized sentencing by utilizing information only specific to the offender. Over time, victims' rights advocates have successfully argued for greater consideration of the impact of crimes on victims or their families, resulting in the creation of victim impact statements. In some jurisdictions, victim impact statements are included as a part of the presentence investigation report. A victim impact statement provides victims with an opportunity to express their feelings through an oral or written personal statement that the judge can take into consideration prior to sentencing.

Role of the Probation Officer

A primary role of the probation officer is to serve as an advisor to the sentencing judge. As changes in sentencing policy have taken place over the past 2 decades, so has the role of probation officers. In addition to preparing presentence investigation reports, probation officers are now often responsible for completing risk assessment instruments and sentencing guidelines. The utilization of these tools varies from jurisdiction to jurisdiction. Nevertheless, where available, the completion of these instruments occurs during the presentencing phase and can have a tremendous impact on the sentencing outcome. Risk assessment instruments are often offense specific and are used to gauge whether an offender will commit future crimes and whether an offender is worthy of diversion from incarceration to a less-restrictive sanction. Sentencing guidelines, on the other hand, paint a picture of how offenders convicted of similar crimes and criminal histories historically have been sentenced. Occasionally, probation officers may be required to testify in court with respect to the accuracy of their presentence investigation report findings and sentencing recommendation.

In addition to the advisory role bestowed upon probation officers, a high level of discretion accompanies the position. Consequently, the level of discretion that probation officers are afforded in preparing presentence investigation reports often goes unnoticed by researchers. For example, in an

examination of sentencing patterns, the role of the probation officer is often underestimated due to the fact that presentence investigation reports do not carry the same level of visibility as indictments, plea agreements, or trials. The information contained in presentence investigation reports is confidential and is disclosed only to the defendant, defense counsel, prosecutor, and other authorized criminal justice personnel. Thus, the information contained in the report is not scrutinized to the level of other documents, which are matters of public record.

Role of the Prosecutor

Like probation officers, prosecutors can also wield a tremendous amount of influence during presentencing. Prosecutors are commonly referred to as the gatekeepers of the sentencing process by way of their bail recommendations, plea negotiations, and pursuance of criminal charges. For example, a defendant's ability to post bail is directly related to sentence length. Research indicates that offenders who fail to post bail have a greater likelihood of receiving a harsher sentence than offenders who do post bail. With respect to demographics, some research indicates that Caucasian defendants are more likely than African American defendants to engage in plea bargaining. Several studies have found that Whites fare far better in plea bargaining than do African Americans.

Impact of Presentencing Investigations

Finally, the impact of the presentencing phase of the criminal justice process should not be underestimated. Evidence of racial disparities exists at all levels of the criminal justice system, including arrests, bail dispositions, plea negotiations, and in the type of legal counsel that a defendant is able to secure. These disparities are important because they impact the message that a presentence report sends to a judge about an offender's background and propensity to violate the law in the future and thus impact sentencing outcomes. Furthermore, presentence investigation reports have lasting ramifications. For example, after an offender is remanded to the department of corrections, the presentence investigation report may be used to determine the appropriate level of custody and supervision within an institution and eligibility for substance abuse or mental health treatment. The report may also be used to determine the offender's eligibility for community diversion programs, such as electronic monitoring or boot camp. Parole boards may utilize the report when evaluating an offender's potential for successfully reintegrating into society upon release from incarceration. Once the offender is released from incarceration and seeks employment, potential employers review criminal background checks, which are compiled from various documents, including presentence investigation reports.

Further, the combination of a probation officer's ability to prepare presentence investigation reports under a veil of invisibility and racial disparities existing at every level of the criminal justice system is a volatile combination, whereby African Americans often receive harsher treatment than Whites. More research is needed to explore the relationship between presentence investigation reports and sentencing outcomes.

Jacqueline Smith-Mason

See also Plea Bargaining; Sentencing; Sentencing Disparities, African Americans

Further Readings

Free, M. D. (2002). Race and presentencing decisions in the United States: A summary and critique of the research. *Criminal Justice Review*, *27*(2), 203–207.

Harlow, C. W. (2000, November). *Defense counsel in criminal cases* (Report No. NCJ 179023). Retrieved from U.S. Department of Justice, Bureau of Justice Statistics: http://www.ojp.usdoj.gov/bjs/pub/pdf/dccc.pdf

Hebert, C. J. (1997). Sentencing outcomes of Black, Hispanic, and White males convicted under federal sentencing guidelines. *Criminal Justice Review*, *22*(2), 133–156.

Mauer, M., & King, R. S. (2007, July). *Uneven justice: State rates of incarceration by race and ethnicity*. Washington, DC: The Sentencing Project. Retrieved from http://www.sentencingproject.org/Admin%5CDocuments%5Cpublications%5Crd_staterates ofincbyraceandethnicity.pdf

Petersilia, J. (1983). *Disparity in the criminal justice system*. Santa Monica, CA: RAND.

Sidanius, J. (1988). Race and sentence disparity: The case of American justice. *Journal of Black Studies*, *18*(3), 273–281.

Talbert, P. A. (1988). The relevance of victim impact statements to the criminal sentencing decision. *UCLA Law Review*, *36*, 199.

President's Commission on Law Enforcement and Administration of Justice

In 1965 President Lyndon Johnson appointed the 19-member President's Commission on Law Enforcement and Administration of Justice to examine crime and crime control in the United States. The commission's findings, regarded by many as the most comprehensive evaluation of crime and crime control in the United States at the time, was published in 1967 as *The Challenge of Crime in a Free Society: A Report by the President's Commission on Law Enforcement and Administration of Justice*. It is recognized as a basic reference work for American criminal justice systems and was widely used as a college textbook.

The relevance of the commission to the topics of race and crime is twofold: (1) the disproportionate number of minorities reflected in crime statistics and (2) the time period in which the commission was appointed. During this period, racial discrimination and segregation, which permeated much of American life, were being challenged. Race riots in U.S. cities and growing opposition to the war in Vietnam placed criminal justice agencies in conflict with youth and minority groups.

Causes of urban violence in the 1960s were also examined by another Johnson commission, that is, the National Advisory Commission on Civil Disorders, also known as the Kerner Commission. It was created in July 1967 by President Johnson to study the causes of urban violence associated with the civil rights movement. Its findings, like the President's Commission, linked urban violence with racism and segregation and frustration due to lack of economic opportunity.

As recently as 2007, National Institute of Justice researchers acknowledged that commission findings were instrumental in bringing public attention to ordinary street crime and fostering the development of crime-control policies by the federal government. The commission's findings are regarded as providing the foundation for the development of many national, state, and local crime-control policies throughout the United States.

The Commission

The President's Commission on Law Enforcement and Administration of Justice, consisting of 19 commissioners, 63 staff members, and 175 consultants, convened three national conferences, conducted five national surveys, hosted hundreds of meetings, and interviewed tens of thousands of persons from 1965 to 1967. The commissioners were men and women of distinction, including Leon Jaworski, who would later be appointed special prosecutor during the Watergate scandal and who had previously prosecuted Nazi war criminals at the end of World War II; Thomas J. Cahill, chief of police in San Francisco; Nicholas deBelleville Katzenbach, President Johnson's attorney general, who served as chair of the commission; Genevieve Blatt, an appellate court judge from Pennsylvania; and Julia D. Stuart, a member of the Washington State Commission on Law and Justice. In fact the commissioners were a carefully balanced team that included members of the law enforcement establishment, two law professors, a civil rights leader, mayor of New York City, a publisher, a university president, lawyers, and judges. Criminologists Lloyd E. Ohlin and Alfred Blumstein served as associate director and director of science and technology, respectively.

Attorney General Nicholas Katzenbach and the 19-member commission created task forces and committees around major crime issues, such as juvenile delinquency, policing, courts, corrections, organized crime, and drugs. These groups collected data and analyzed statistics on crime and crime control in the United States on an unprecedented scale. The commission issued its report in 1967, only 18 months after receiving its mandate from President Johnson.

Impact of Commission Recommendations

More than 200 specific recommendations were made in the report, many of which were implemented and continue today.

Proactive Policing. One of the most innovative recommendations was the need to prevent crime before it occurs. This approach to crime ushered in proactive policing policies that are characteristic of the community policing model, which became commonplace following the commission report.

Reduced Criminal Opportunities. Another approach to preventing crime before it occurs was the suggestion by the commission to reduce criminal opportunities. This could be accomplished through the implementation of crime prevention through environmental design policies. For example, many police departments established community-relations units consisting of police officers who worked with community residents to reduce opportunities for crime. Some of the more common programs include the registration of one's property with police departments, home security analysis, and neighborhood watch programs.

Rehabilitation of Offenders. The commissioners recognized the need for criminal justice agencies to develop a broader range of techniques for dealing with offenders; thus emerged diverse approaches to rehabilitation. By the 1980s the rehabilitation of offenders was replaced with warehousing of offenders serving deserved punishments, but in 1965 the President's Commission on Law Enforcement and Administration of Justice recognized the need for juvenile justice agencies to provide underprivileged youths with opportunities for successes, including jobs and education. The commission also advocated the development of effective law enforcement procedures to control hard-core youthful offenders that adhere to principles of due process.

Professionalism. The commission recognized the need to elevate the workforce to that of professionals. This resulted in the establishment of minimum standards for law enforcement personnel and other criminal justice professionals. Accompanying the standards was a requirement for preservice training with additional requirements for annual in-service training.

Employment of Minorities. The commission recognized the need to improve relationships between criminal justice agencies and citizens of racial and ethnic communities. To improve these relationships, it was suggested that law enforcement and corrections agencies hire personnel that reflect the makeup of the communities the agencies serve. As a result, hiring policies endorsing the hiring and promotion of minorities (i.e., racial, ethnic, and gender minorities) were implemented in criminal justice agencies. Today the numbers of minority employees working in criminal justice agencies are significantly greater than could have been imagined in 1967.

Research. The need to research crime, administration of criminal justice agencies, and the impact of the criminal justice system on the public was also acknowledged in the report. The commission called for more research and experimentation in criminal justice, especially in the area of agency administration. As a result, criminal justice–related research significantly increased.

National Crime Victimization Survey. One of the most important contributions of the President's Commission on Law Enforcement and Administration of Justice was the establishment of the National Crime Victimization Survey. It is generally acknowledged that this approach to researching violent crime on a national level had not been used before it was implemented by the president's commission. An astonishing finding from the survey was that less than half of all crimes are reported to the police. The commission conducted the first National Crime Victimization Survey, which has been continued to the present.

National Institute of Justice and Office of Justice Programs. In 1965 Congress established the Office of Law Enforcement Assistance, which was the conduit for the President's Commission on Law Enforcement and Administration of Justice and later became the Law Enforcement Assistance Administration. Because the nation lacked the most basic reliable information about crime and crime trends, the commission, in its final report, recommended the continuation of the Law Enforcement Assistance Administration. Today it is known as the Office of Justice Programs and the National Institute of Justice. This group continues to deliver federal monies for research, training,

program development, and other needs to state and local criminal justice agencies.

Due Process. The President's Commission on Law Enforcement and Administration of Justice also acknowledged the need to eliminate existing injustices in criminal justice agencies, for example, violation of citizens' due process in the enforcement of law. Employment of a professional workforce, training that acknowledges the role of due process in a democracy, and managements' commitment to due process are commonplace in criminal justice agencies today. Also, criminal justice agencies have policies in place that protect citizens' rights.

Community Relations. Another recommendation by the commission was the implementation of processes that encouraged collaboration among individual citizens, civic and business organizations, other social institutions, and criminal justice agencies to reduce crime. These groups work together planning and implementing changes for reducing crime. Today most criminal justice agencies have advisory boards, ombudsmen, citizen action committees, and volunteers that contribute to agency operations. The community policing model is a classic example of law enforcement's attempt to engage the community in policing.

Funding. The commission recognized the importance of increasing criminal justice agency budgets to enhance their ability to control crime; this includes budget increases across all types of criminal justice agencies, including policing, courts, and corrections. To compete with private industry, agencies required budget increases to attract and keep quality personnel. An examination of entry-level salaries for many criminal justice agencies indicates that salaries are competitive and are expected to remain so. According to the Bureau of Labor Statistics, in May 2006 median annual earnings of police and sheriff's patrol officers were $47,460, while median annual earnings of police and detective supervisors were $69,310.

Higher Education. The President's Commission on Law Enforcement and Administration of Justice suggested that higher education can be an effective crime control agent. Criminal justice agencies were encouraged to hire personnel with some higher education. In fact some criminal justice positions required the minimum of a baccalaureate degree; for example, most probation and parole officer positions now require the 4-year degree and most mid-size to larger police departments require the 2-year or 4-year degree. Even those departments that do not require degrees often pay salary differentials for various levels of higher education or have tuition reimbursement programs to encourage their personnel to attend college. The impact of criminal justice agency changes regarding higher education has been considerable. For example, in 1967 there were 39 baccalaureate degree programs in criminal justice, but by 1977 the number had increased to 376.

Discipline of Criminal Justice. Commission recommendations were instrumental in the emergence of a new academic discipline, that is, criminal justice. Prior to the commission report, a few law enforcement degree programs, as well as criminology programs, offered college courses reflective of sociology and public administration degrees. The commission focused on higher education as the conduit to prepare personnel with higher levels of knowledge, expertise, initiative, and integrity. In addition, the commission acknowledged the need for scholars and other experts in the field to assist with the development of a body of knowledge focused on understanding the problems and operation of criminal justice agencies. By 1969 Congress had appropriated $6.5 million for the Law Enforcement Education Program. The funding paid education expenses for over 20,000 students (19,000 were in-service personnel) at 485 colleges and universities. By the mid-1970s the annual appropriation was $40 million, with over 250,000 students receiving financial assistance at 1,200 colleges and universities. The funding, designed to provide grants to in-service students and loans to preservice students, also spurred the development of academic programs in criminal justice throughout colleges and universities in the United States.

Criminal Justice System. A significant consequence of the President's Commission on Law Enforcement and Administration of Justice has been an increased awareness that criminal justice agencies are components of a system. The commission offered a

conceptual framework of criminal justice as a coherent system. An example of this perception is the diagram, found in most criminal justice textbooks published since 1967, of the flow of a case through a criminal justice system. Although the diagram has changed over the years, it continues to illustrate the movement of cases from one criminal justice agency to the next, suggesting that police, courts, and corrections are components of one system.

Technology. The commission was futuristic in its recommendation regarding technology. At the very advent of the computer age, the commission recommended significant investments in computing and computer information systems. It also recognized the need for separate radio bands for police communication and automated fingerprint systems.

Juvenile Delinquency. The commission report acted as the catalyst for the passage of the federal Juvenile Delinquency Prevention and Control Act of 1968. This law created the Youth Development and Delinquency Prevention Administration, which concentrated on helping states develop new juvenile justice programs. The commission proposed the following major strategies to reduce juvenile crime: decriminalization of status offenders, diversion of youth from the court system into alternative programs, deinstitutionalization by using community homes rather than large training schools, and extending due process rights to juveniles.

Causes of Crime. According to the president's commission, crime is symptomatic of broad social problems such as poverty, racism, and social injustice. This perception of crime resulted in the implementation of crime and delinquency programs and policy changes that targeted social problems that contribute to crime and delinquency. This approach reflected President Johnson's goals for achieving a Great Society.

Elizabeth H. McConnell and John A. McConnell

See also Chicago Race Riot of 1919; Community Policing; Crime Statistics and Reporting; Institutional Racism; Los Angeles Race Riot of 1965; Victim Services

Further Readings

Governor's Select Committee on Civil Disorder, State of New Jersey and Report for Action. (1968). *Report of the National Advisory Commission on Civil Disorders*. New York: Bantam.

President's Commission on Law Enforcement and Administration of Justice. (1967). *The challenge of crime in a free society*. Washington, DC: U.S. Government Printing Office.

President's Initiative on Race

On June 13, 1997, President William Jefferson Clinton issued Executive Order No. 13050, which created the Initiative on Race. The program authorized the creation of an advisory board to inform the president on the state of race relations in the United States. Board members traveled the country speaking with thousands of people about the role of race in various critical areas where racial tensions lingered, including civil rights, education, and poverty. The Initiative on Race also examined issues directly related to race and crime, such as racial profiling, sentencing disparities, and victimization disparities. This project was designed to take stock of race relations in America and to propose recommendations aimed at creating a more racially unified and equitable society. This entry reviews the advisory board's findings and summarizes their recommendations to improve the state of race relations.

President Clinton and his staff chose individuals from different backgrounds to compose the advisory board. The members included historian John Hope Franklin (chair), union organizer Linda Chavez-Thompson, the Reverend Suzan D. Johnson, former Governor of New Jersey Thomas H. Kean, attorney Angela E. Oh, former CEO of Nissan Robert J. Thomas, and former Governor of Mississippi William F. Winter. Over the course of 15 months, the board was tasked with examining race and the potential for reconciliation in the United States through dialogue and action. Their investigation resulted in the publication of several reports: *One America in the 21st Century: Forging a New Future*, which was a summary of their research efforts, and the *One America Dialogue Guide: Hope in the Cities*, an instruction manual

on creating dialogues on race. In conjunction with the Initiative on Race, the White House Council of Economic Advisors published *Changing America: Indicators of Social and Economic Well-Being by Race and Hispanic Origin*, a report that discussed issues of race and economic disparities in the United States. This report provides evidence that, though some progress has been made, significant economic disparities carry on despite over 30 years of civil rights laws and positive momentum through affirmative action.

The theme of the dialogues mirrored the results of the Council of Economic Advisors report: that persistent racial disparities and discrimination continue to affect the everyday lives of Americans. In the summary to the president, the advisory board determined that there are substantial barriers to full racial inclusion in U.S. society, which consist of inconsistent enforcement of civil rights violations, unequal access to quality education, the gap in economic prosperity between Whites and minority groups, substantial discrimination in housing markets, racial disparities and prejudice in the way minorities are treated by the criminal justice system, and disparities in access to quality health care for racial minorities. Though these barriers remain, the board also discovered that areas of racial progress were also apparent across the country.

Regarding race, crime, and the administration of justice, the board concluded that people of color often absorb a disproportionate amount of the economic, social, and personal costs of crime. Minorities express significantly less trust in law enforcement than nonminorities. For example, minorities have the experience of racial profiling, and minorities are disproportionately arrested, convicted, and sentenced to harsher periods of incarceration. The advisory board recommended reducing the use of racial profiling, eliminating the drug sentence disparities, and diversifying law enforcement to address issues related to race and the administration of justice.

In addition to these recommendations, the advisory board encountered various programs already in place to improve race relations in various community contexts. They named over 300 of these programs "Promising Practices." Promising practices range from one-time, informal events to long-term, sustained efforts by large organizations aimed at either bringing together multiracial groups of people in community service projects, thereby expanding opportunities for racially marginalized groups, or coordinating efforts to reduce racial disparities. The programs varied in scope, length, duration, and intensity, but all aimed in some way to improve the racial climate of the United States. According to the advisory board, these practices should serve as the model for future efforts to create one America in the 21st century.

The advisory board was also tasked with proposing recommendations to address some of the barriers to full racial inclusion. They proposed a list of 10 things Americans can do to improve race relations in the United States. Their suggestions include the following:

- Make a commitment to become informed about, and get to know, people from other races and cultures.
- Raise concerns about comments or actions that appear prejudicial, even if one is not the target of these actions.
- Initiate dialogues on race within the workplace, school, neighborhood, or religious community.
- Support institutions that promote racial inclusion.
- Participate in a community project to reduce racial disparities in opportunity and well-being.
- Advocate that groups you can influence (whether as a volunteer or employee) examine how they can increase their commitment to reducing racial disparities, lessening discrimination, and improving race relations.

From the dialogues, town meetings, and open forums initiated by the advisory board, the board concluded that this nation has much work to do to achieve the dream of one America, where respecting and celebrating racial differences is standard practice as well as embracing what Americans have in common. According to Dr. Franklin, to achieve one America, our nation needs to engage in healthy dialogues about race, provide equal opportunities to education for all, reduce disparities in the administration of justice, and give people the tools to become leaders and role models for future generations.

Nadine P. Frederique

See also Discrimination–Disparity Continuum; Ethnicity; Immigrants and Crime; Institutional Racism

Further Readings

Council of Economic Advisors. (1998, September). *Changing America: Indicators of social and economic well-being by race and Hispanic origin*. Retrieved from http://www.access.gpo.gov/eop/ca/pdfs/ca.pdf

Franklin, J. H. (1998, September). *One America in the 21st century: Forging a new future: The President's Initiative on Race. Advisory board's report to the President*. Retrieved from http://clinton2.nara.gov/Initiatives/OneAmerica/PIR.pdf

Winston, J. A., & Ochi, R. M. (1998, March). *One America in the 21st century: The President's Initiative on Race. One America dialogue guide: Conducting a discussion on race*. Retrieved from http://clinton2.nara.gov/Initiatives/OneAmerica/pirdoc1.pdf

Prison, Judicial Ghetto

The term *judicial ghetto* is similar to the concept of prison as an ethnoracial ghetto. This entry provides additional evidence that the burgeoning prison system is modeled after American ghettos. U.S. prisons currently supervise about 1.5 million offenders. Prisons are institutions designed to house convicted, adult felons serving a sentence of 1 year or more. Over the past 2 decades, toughening public attitudes toward crime and criminals created the assumption that prisons are the most effective sanction to meet the goals of punishment, deterrence, and incapacitation. This tremendous growth in the role of prisons in the U.S. criminal justice system over the past 25 years has raised many questions about its effectiveness and importance to society. The function of modern-day prisons is questionable, considering racial disparity among prison inmates. This problem has initiated debates about the present-day purpose of prisons.

In 1986, Whites made up 65% of the correctional population. In 2006, the population of state and federal prisons was 35.0% White, 37.4% Black, 20.5% Hispanic, and 6.9% other races. This vast racial disparity within the U.S. correctional population warranted researchers to question whether the criminal justice system and correctional policies are in fact discriminatory, and these facts have given rise to the idea that prisons are in actuality judicially created ghettos. This entry describes the similarities between prisons and ghettos as institutions of forced confinement targeting a specific group that is viewed as a threat by the larger society. These parallels have led to the coining of the term *judicial ghetto*.

Ghettos

Many studies have linked crime to poverty, drug use, and lack of opportunity for legitimate approaches to economic success. A common explanation of why African Americans are arrested at a higher rate than Whites is that crime is more common in neighborhoods where African Americans reside. Criminal justice efforts are more intense in urban areas with high crime rates and high drug use. Such locations are commonly labeled as the ghetto. The most common depiction of the ghetto is that it is a segregated district, an ethnic neighborhood, or area of extreme poverty where members of the "underclass" reside. Some depict the 20th-century U.S. ghetto as a sociospatial device that enables a dominant status group in an urban setting simultaneously to ostracize and exploit a subordinate group. These areas are an ethnoracial prison because ghettos encage a dishonored category and severely curtail the life chances of its members, including their chances to attain material goods or opportunities. This suppression is carried out by the dominant status group. Scholars have argued that ghettos were created to protect the city's residents from the pollution of an outcast group.

Judicial Ghetto

There is an overrepresentation of Blacks behind bars due to mass imprisonment in the United States. This is linked to the crime and punishment model practiced by the present criminal justice system. One popular criticism of prison is that it is one of the peculiar institutions that attempts to confine African Americans, along with other peculiar institutions throughout the history of the United States. Other similar institutions are slavery, the Jim Crow regime, and the ghetto. The

term *judicial ghetto* describes what some believe to be our modern-day prison. Many comparisons have been made with prisons and ghettos.

Much as the ghettos protect the upper class from the lower class, prison cleanses society of the flaw of those who have committed crimes. Researchers who have studied inmate populations have noted that inmates create their own rules and standards as a response to the pains of imprisonment, much like residents of ghettos develop what is said to be a separate subculture from those who are of higher socioeconomic status. Both were created to exploit and separate a specific social group from the larger society, and in both, order is secured by the use of external force.

Historical links of prisons to ghettos emerged in the backdrop of the social movements in the 1970s. Prisons became the solution to most social problems. The problem most focused on was the breakdown of social order in the inner city. The ghetto was the location that produced most of this breakdown. This area was described as especially dangerous due to the negative publicity deriving from the violent riots of the mid-1960s. The threat of the ghetto no longer existing or that those who lived in this area were now allowed the opportunities of mainstream society promoted prisons to become a tool utilized to keep this group in control or separated. Some scholars believe that the prison was the auxiliary foundation for caste preservation and labor control in the United States. Slavery no longer existed, Jim Crow was no longer upheld, and the separation of those in the ghetto from those in mainstream society was no longer as clear as it was before the 1970s.

The final argument that prisons are judicial ghettos is that they serve as a way to warehouse certain members of the Black working class. Restrictions on penal labor are becoming more relaxed and private enterprises are being introduced inside American prisons. Inmates are subject to poor work conditions and very little pay. They are separated from mainstream society and not governed by the same protections of those that are outside of prison. This is another comparison of why prisons today are institutions very similar to that of slavery, Jim Crow, and finally the ghettos.

Liza Chowdhury

See also Ghetto, Ethnoracial Prison; Prison Abolition; Racism

Further Readings

Sabol, W. J., Couture, H., & Harrison, P. M. (2007). Prisoners in 2006. *Bureau of Justice Statistics Bulletin* (Report No. NCJ 219416). Retrieved from U.S. Department of Justice, Bureau of Justice Statistics: http://www.ojp.usdoj.gov/bjs/pub/pdf/p06.pdf

Wacquant, L. (2000). The new "peculiar institution": On the prison as surrogate ghetto. *Theoretical Criminology*, *4*(3), 377–389.

Wacquant, L. (2001). Deadly symbiosis: When ghetto and prison meet and merge. *Punishment and Society*, *3*(1), 95–133.

Weber, M. (1978). *Economy and society* (G. Roth & C. Wittich, Eds.). Berkeley: University of California Press.

Prison Abolition

Prison abolition refers to the ideal of eliminating prisons, lockups, and other incarceration facilities, and the current movement toward doing so. The intent is to replace prisons with alternative correctional methods that are more humane and useful than imprisonment in addressing the response to crime and criminality in contemporary society. Prisons in the United States have a disproportionate minority population. Prison abolitionists and some social scientists believe that in many states and at every stage of the justice system, there is overrepresentation of minorities and the poor. This entry presents the arguments of prison abolitionists.

Prison abolition has a long history in the United States. Although the development of U.S. prisons in the early 1800s reflected the Enlightenment idea that prisons were a more humane alternative to corporal and capital punishment, by the late 19th century the inadequacies of most prisons and prison facilities had led many experts to call for their abolition. Imprisonment was viewed by some not as an enlightened approach but as a stain on civilization that demonstrated a lack of compassion for the poor and the marginalized in society. Others viewed prisons as inherently brutal and

useless in fighting crime. Today, proponents of prison abolition see the prison system as unfit to manage the social problems it was designed to resolve. The perspective is based on overwhelming statistical data that show that the present correctional methods are ineffective in rehabilitating offenders. For example, a study by the U.S. Department of Justice found that 67.5% of prisoners released in 1994 were rearrested within 3 years, an increase over the 62.5% found for those released in 1983. Instead, in many cases the prison system actually worsens the criminal behavior of incarcerated offenders. Prison abolitionists do not believe that prisons either reduce crime or curtail criminal behavior.

Abolitionists postulate a radical and new paradigm shift from institutionalization to elimination of prisons and the removal of government control of these facilities. They propose (a) community-controlled forums for crime prevention and control, (b) replacing the economic system from capitalism to self-management of production workers and citizens, and (c) removal of nonviolent offenders from prisons. Abolition advocates suggest penal system reforms that replace institutionalization with alternative sentencing that utilizes supervised releases, probation, community service, restitution to victims (not the state), and other community-based sanctions. They also support abolishing mandatory minimum sentencing and primary crime prevention efforts rather than tertiary or secondary crime prevention. They also believe that policies (such as those tied to the War on Crime and the War on Drugs) that contribute to increases in prison populations should be eliminated.

One pressing issue for abolitionists is the disproportionate number of minority prisoners. In the United States, for example, there is overrepresentation of African Americans, people of color, and the poor in the prison population. African Americans are more likely to be incarcerated than European Americans and those who are wealthy. Another focal point of dissent from the abolitionist point of view is that those who are judicially processed, convicted, and imprisoned for theft, prostitution, or property crimes are in one way or another ostracized and sometimes permanently marginalized. They find it extremely difficult to find employment once they have been released from prison. They are thereby systematically magnetized back to the prison industry as their only hope and option for survival. Prison abolition requires the development of social programs such as affordable and adequate education and health care and employment opportunities in order to reduce and eliminate the overrepresentation of minority groups, especially Black males, in the prison population.

Abolitionists argue that society must confront the problem of poverty with a comprehensive approach that provides help to those citizens who need the resources for survival rather than increase the likelihood of recidivism by those that rely on committing property crimes for survival. Furthermore, it is estimated that the majority of those in prison are there for nonviolent offenses, and the states have not devoted enough effort toward rehabilitation.

Finally, abolitionists believe that prison has not deterred criminals or reduced crime rates or criminal behavior. It is their position that in fact prisons promote violence by allowing cohabitation of violent and nonviolent offenders and denying most incarcerated people access to families, friends, love, care, and psychologically healthy emotional support. Deaths in prison are increasing partly as a result of the culture of prison violence and the job stress of supervisors who are becoming increasingly victims of the same violence. However, many abolitionists believe that imprisonment should be a last resort for those crimes that are inherently evil and for virtually incorrigible recidivists. It is necessary to decriminalize victimless offenses, especially for behavior not detrimental to others. Overcriminalization encourages net-widening and expands a commercialized prison industry. Because crime is a consequence of the structure of society, according to some abolitionists, there is a need to address the nature of the societal structures that perpetuate criminal behavior. These abolitionists believe reconciliation, not punitive sanctions and imprisonment, is a viable alternative to incarceration. They further argue that institutionalization is morally repulsive and abominable.

If society were to eliminate prisons, how then do we address the problem of crime, especially violent crime? Opponents of prison abolition do not believe proponents adequately address this issue. Violent offenders and those who pose a danger to society (e.g., chronic offenders) must be controlled,

and society must solve the problem of crime before addressing the position of the prison abolition movement. Furthermore, if society focuses on abolition of prison at this point, without concrete alternatives for those who must be confined, we will relegate these offenders to intolerable conditions.

Abolitionists have responded by noting that prison abolition must be seen as a long-range goal that will require cultural, political, economic, and structural changes in society to reduce crime and thereby facilitate prison abolition.

Evaristus Obinyan

See also Disproportionate Incarceration; Disproportionate Minority Contact and Confinement; Prisoner Reentry; Racialization of Crime; Recidivism

Further Readings

Davis, A. (2003). *Are prisons obsolete?* New York: Seven Stories Press.

Newton, V. (1971, January 18). The shame of prisons. *Time*.

U.S. Department of Justice, Bureau of Justice Statistics. (2002). *Reentry trends in the U.S.: Recidivism*. Retrieved September 11, 2008, from http://www.ojp.usdoj.gov/bjs/reentry/recidivism.htm

Websites

Bar None: http://www.barnone.mahost.org

Prison facts and statistics: http://www.prisonjustice.ca/politics/facts_stats.html

Prisoner Reentry

Many issues in criminal justice are inextricably linked to the study of race. Although prisoner reentry has become a popular topic in criminal justice policy, research into the relationship between race and prisoner reentry is scant. Yet, such research is necessary for a more useful understanding of prisoner reentry policies. This entry discusses the consequences of racial disparities in imprisonment rates and of the evolving nature of parole on an offender's ability to successfully reenter society. It also explores culturally competent (and socially responsible) means of assisting a prisoner in his or her reentry.

Racially Disparate Imprisonment Rates

Prisoners have been reentering communities since the turn of the 18th century, when the first U.S. prison began operating in Philadelphia. Since then, the U.S. corrections model has shifted back and forth from punishment and deterrence to rehabilitation. The unprecedented, threefold increase of prisoners over the past 20 years, however, has resulted in an increasing number of offenders leaving prison and attempting to reenter society. These prisoners reflect an increasingly diverse population, both within and outside of prisons.

Racial minorities (i.e., Black Americans and Latinos) make up a disproportionate amount of the more than 2 million people in federal, state, and local prisons and jails. While Blacks and Latinos represent approximately 12% and 14% of the general U.S. population, they account for 45% and 18% of the total inmate population, respectively. This is compared to Whites, who make up almost 75% of the general U.S. population but account for only 34% of the imprisoned population. With well over half a million offenders leaving prison each year (many of them racial minorities returning to the same neighborhoods where they offended), effective reentry policies and procedures are necessary to ensure community safety, justice, and fiscal responsibility.

Barriers to Reentry

When attempting to successfully reenter society, most offenders will face many of the same factors that contributed to their involvement in crime in the first place (i.e., impoverishment, lack of education, few career opportunities, familial and cultural influences, disease, disenfranchisement, and socially disorganized neighborhoods). For the reentering offender, these effects are even harsher than when he or she was initially imprisoned. Consider the following: Inmates have little or no income while incarcerated, and they may have no place to live following release from prison. Many states have laws that prohibit parolees or formerly imprisoned individuals from

holding careers such as physician, teacher, lawyer, real estate agent, and engineer. Only 15% of marital relationships will survive a spouse's incarceration. Children of incarcerated parents are 5 times more likely to be arrested and are more apt to exhibit antisocial behaviors and use drugs. HIV affects the prison population at a rate 6 times higher than that of the general population. And, having been convicted of a felony, 14% of Black men cannot vote to change the laws that affect them after their release from prison. Finally, consider that most of these factors contribute to the likelihood that the ex-offender will turn to drug use and abuse.

It is not surprising, then, that 67% of ex-offenders will be rearrested for a serious offense within 3 years of their release and 52% of the same group will be sent back to prison, with rates for Blacks being slightly higher (and rates for Whites being slightly lower) than those for Latino ex-offenders. Given the racial disparities in arrest and imprisonment rates and the high concentration of the aforementioned social crises in minority communities, Blacks and Latinos are also overrepresented in the population of those offenders returning to prison. The constant revolving door of offenders into and out of the community drastically hinders the economic, social, and familial developments of racially distinct neighborhoods, thereby increasing the likelihood of criminality in new offenders and of unsuccessful reentry of ex-offenders. A discussion of the changing nature of parole, "get tough" policies, and rehabilitation helps to highlight the racial differences in offender reentry.

Sentencing, Parole, and Prisoner Reentry

During the 1960s and early 1970s, indeterminate sentencing (sentencing that does not have defined parameters) was used in conjunction with parole to give the parole board the responsibility of deciding if and when an individual was ready to successfully reenter society and the responsibility of maintaining supervision of the individual, while also helping him or her to reintegrate into the community. During this time, 72% of all released inmates were placed on parole. Currently, only 30% of eligible prisoners are released on parole. Over the past 2 decades, criminal justice policy, fueled by the "get tough" and "nothing works" philosophies, have increasingly turned to determinate sentencing (clearly defined sentences) and truth in sentencing (the move toward having offenders serve at least 85% of their sentences) policies that increase prison sentences and limit the use of parole (again, negatively and disproportionately affecting racial minorities).

The limited use of parole and parole boards has a number of effects on offender reentry. First, it reduces the number of ex-offenders who have access to the educational, employment, and rehabilitative programs (offered through parole) that aid in the offender's reentry. The lack of these resources affects each offender differently, depending on his or her race. For instance, Blacks and Latinos report higher unemployment rates and lower high school graduation rates than Whites, and Blacks and Whites report higher drug use rates than Latinos. Also, Latinos are more likely to have had a family member incarcerated, but they also have the lowest rate of incarceration for violent offenses of the three groups. These facts underscore the diverse obstacles an offender faces when reentering society.

Second, abolishing parole boards results in extended prison stays for offenders and in a lack of offender supervision (after release) that is necessary for the community's safety. Although parole supervision can help offenders successfully reintegrate into society, it can also result in higher rates of reincarceration for minor offenses and parole violations. For those parolees who are reincarcerated, 67% are for technical violations, not for committing a new crime. Furthermore, parole violators account for 34% of all new prison admissions. Some view these recidivists as unnecessary additions to an already overcrowded prison system. Others see this as a "no nonsense" policy that protects the community from future offending. Opponents of parole believe that determinate sentences and truth in sentencing will result in longer sentences, thereby increasing the deterrent effect of prison. However, offenders in states that have abolished their parole boards end up serving less total time under state supervision than those in states with parole.

While parole currently serves as one of the main pathways to an offender's reentry, some practitioners are focusing their efforts on rehabilitation and the offender's time in prison as effective ways of

helping an offender become a responsible and productive member of his or her community. As the system more accurately balances the ex-prisoner's risks and needs, the parole officer's function becomes less supervisory and more casework oriented.

Pathways to Prisoner Reentry

The public's dismay with the ineffectiveness of the corrections system to reform criminals is bringing about a reemergence of rehabilitative programs in prison. This, along with sound evaluations of such programs, foreshadows a promising future for effective prisoner reentry. It also illuminates the need for prisoner reentry efforts to begin as soon as the offender enters the corrections system.

What Works

Richard Seiter and Karen Kadela conducted a study of program evaluations to determine which types of services are most useful in helping the offender to reenter society. It should be noted that of the hundreds of programs implemented over the past 3 decades, only a handful of evaluations were methodologically proficient enough to be considered in their study. This serves as an astounding commentary on the lack of sincere empirical attention to prisoner reentry. Nonetheless, they concluded that job training, work release, drug treatment, and halfway house programs were most conducive to easing the offender's transition into the community.

Other research has found that individuals need to have access to such programs from the time they are incarcerated until their reentry into their communities and families. However, these types of programs need to be more universally and more thoroughly implemented and should also consider the individualized needs of the various populations that attend the programs. Viewed in light of the previously discussed social ills that disproportionately distress racial minorities, the significance of a culturally responsive approach to such programs is apparent.

The Family

While ex-offenders face many structural issues when reintegrating into their communities, they also bring with them their own cultural realities that need apposite addressing throughout the reentry process. Rehabilitative efforts must consider the individual's ethnic and racial background, especially when dealing with family issues (e.g., physical abuse, estrangement from children, and divorce). Only 4% of marriages will survive the incarceration of a spouse 1 year after his or her release from prison. Many inner-city Black households are already headed by single women due to the high incarceration, homicide mortality, and divorce rates and the low employment rates among young, Black men. Add to this the fact that Black females are much more likely to be incarcerated than both White and Latina females, and the devastation to Black, urban neighborhoods becomes apparent. Successful reentry initiatives, then, that appreciate the social and cultural differences among the various racial and ethnic groups correspond with research that demonstrates the impact of positive familial relationships in a prisoner's successful reentry.

The Community

Neighborhoods, communities, lawmakers, the criminal justice system, and society as a whole must do their part to accept the offender back into society. This requires a fundamental shift in the U.S. consciousness regarding incarceration and offenders, a shift from a view of the offender as eternally, morally incorrigible to one of a citizen who has paid off his or her debt to society and who is now responsible for becoming a productive member of it. If nothing else, citizens must be made aware of the inequitable and costly system of revolving door prisons. Fortunately, it is the high economics of maintaining the system that is finally drawing the public's attention to the racial disparities and to the ineffectiveness of many correctional programs. The problem of prisoner reentry is no longer regarded as simply a concern of only those people living in high-crime areas.

That said, there are tangible steps that communities can take to help clear the path for an offender's reentry into society. First, ex-offenders should be given back the right to vote so that they can exercise the most fundamental right to being a free, responsible, and productive member of society. Additionally, states should adopt expungement

procedures to aid in the social and professional rehabilitation of nonviolent offenders. Also, parole should concentrate its resources on managing only those ex-offenders who are most at risk for reoffending. This would better ensure the public's safety, while also keeping nonviolent offenders from returning to prison on minor violations of parole. Finally, racially distinct communities need to support reentering offenders through the already established (and successful) social support mechanisms that exist (e.g., church and mosque groups and extended family members).

Although an insufficient amount of research has been conducted with respect to racial differences in prisoner reentry, this entry explored the well-established body of literature that deals with many of the corollary issues impacting individuals when they reenter society. The disproportionate effects of poverty, unemployment, familial problems, drug use, and social disorganization on racial minorities further exacerbate the inequities racial minorities face when attempting to successfully reenter society.

Michael J. Jenkins

See also Disproportionate Incarceration; Sentencing Disparities, African Americans; Sentencing Disparities, Latina/o/s

Further Readings

Anderson, E. (1990). *Streetwise: Race, class, and change in an urban community*. New York: Norton.

Marbley, A. F., & Ferguson, R. (2004, May). Responding to prisoner reentry, recidivism, and incarceration of inmates of color: A call to the communities. *Journal of Black Studies*, *35*(5), 633–649.

Petersilia, J. (2003). *When prisoners come home: Parole and prisoner reentry*. New York: Oxford University Press.

Seiter, R. P., & Kadela, K. R. (2003). Prisoner reentry: What works, what does not, and what is promising. *Crime and Delinquency*, *49*(3), 360–388.

Travis, J. (2005). *But they all come back: Facing the challenges of prisoner reentry*. Washington, DC: Urban Institute Press.

Travis, T., & Waul, M. (Eds.). (2004). *Prisoners once removed: The impact of incarceration and reentry on children, families, and communities*. Washington, DC: Urban Institute Press.

Prisoners, Infectious Diseases and

Prisoners experience some of the same health-related conditions as the general population. However, the prevalence and incidence of certain infectious diseases are markedly higher among institutionalized offender populations. With the U.S. prison population now surpassing 2.2 million, the control and management of infectious disease has become a dominant concern for groups both inside prisons and in the community. This concern is driven by the fact that an overwhelming number of those incarcerated are from minority groups. Additionally, the National Commission on Correctional Health Care has identified communicable diseases and chronic diseases as priorities for correctional health care. Communicable diseases are diseases that can be transferred from one individual to another via direct or indirect contact. The communicable diseases of greatest concern for correctional populations are HIV/AIDS, hepatitis B, hepatitis C, and tuberculosis.

HIV/AIDS

Human immunodeficiency virus (HIV) is the agent that causes acquired immunodeficiency syndrome (AIDS). HIV destroys white blood cells and attacks the immune system. According to the National Minority Aids Council, the incarceration of people of color has "created one of the major challenges in the HIV/AIDS epidemic for minority communities in the United States." A quick glance at the national picture reveals that Blacks represent 49% and Hispanics/Latinos 18% of new HIV/AIDS cases. The Centers for Disease Control and Prevention also report that Black and Hispanic males are more likely to catch the virus through sexual contact with other men, injection drug use, and high-risk heterosexual conduct. Transmission of the virus to Black and Hispanic women often is a result of engaging in high-risk heterosexual contact and drug use.

While there is some variation in the percentages of people incarcerated who are positive for HIV/AIDS, the data reveal that prisons are places where HIV/AIDS cases are highly concentrated.

For example, according to Theodore Hammett and colleagues, 22% to 31% of people with HIV and 16% of those with AIDS have been incarcerated in state or local correctional facilities. Similarly, Cindy Weinbaum and colleagues report that 20% to 26% of HIV carriers have spent some time in a correctional facility. Nationally among the prison population, 51 out of every 10,000 inmates have been predicted to be HIV positive. Although the majority of inmates who test positive acquired the infection before being imprisoned, prison sex is an undeniable part of institutional life, and as a result inmates are at increased risk for acquiring the disease.

Hepatitis

Hepatitis is a viral infection that attacks the liver and often causes inflammation. Two types of hepatitis are common in correctional settings: hepatitis B (HBV) and hepatitis C (HCV). HBV, which is transmitted via high-risk behaviors such as intravenous drug use, tattooing, and sexual contact, causes lifelong infection, cirrhosis (scarring) of the liver, liver cancer, liver failure, and death. HCV is found in the blood of infected individuals and is transmitted via contact with the blood of an infected person. Whereas a vaccine is available to prevent HBV, there is no known cure for HCV. In states that test inmates for HCV, at least a third of the inmates test positive. Some estimates suggest that U.S. prisoners' rates of HCV are 9 to 10 times higher than among the general population. According to the National Commission on Correctional Health Care, approximately 2% of the inmate population is infected with HBV. Hammett and colleagues report that an estimated 29% to 43% of individuals diagnosed with HCV were incarcerated in the past year. In a related study, Weinbaum and colleagues report that approximately 12% to 15% of Americans diagnosed with chronic HBV infection and 39% of those with HCV infection can be found in correctional facilities.

Tuberculosis

Tuberculosis (TB) is an airborne disease spread when an infected individual with TB of the lungs or the throat coughs, sneezes, speaks, or sings. Although TB can affect other parts of the body, TB is infectious when it is the type that impacts the lungs or throat. A person with active TB usually experiences several of the following symptoms: a bad cough that lasts at least 3 weeks or more, coughing up blood or sputum, pain in the chest, night sweats, fever, loss of appetite, and weakness. The majority of all reported cases of TB occur in racial and ethnic minorities. Active TB cases have been directly linked to incarceration, with approximately 40% of individuals with active TB having been incarcerated in the previous year. Moreover, outbreaks of TB in New York were found to be a result of released inmates returning to local communities.

Prevention Efforts

Prevention efforts for communicable diseases have primarily emphasized three strategies: harm reduction strategies, education, or punishment designed to get inmates to completely cease engaging in risky activities. Harm reduction strategies recognize that the risky behaviors associated with the spread of communicable diseases will always occur. Thus, the focus is on reducing the dangers associated with the risky behaviors themselves. An example of a harm reduction strategy initiated in a small number of prisons to reduce the spread of communicable diseases is condom distribution programs. In these institutions condoms are distributed by medical staff or placed in general areas for inmates to obtain. Prison facilities also may provide HIV/AIDS and hepatitis education and awareness classes. The majority of prisons around the country address the transmission of communicable disease only when an inmate tests positive or is caught in the act of engaging in a risky behavior associated with one of the diseases.

Martha L. Henderson

See also Disproportionate Incarceration; Prison, Judicial Ghetto

Further Readings

Hammett, T. M., Harmon, M. P., & Rhodes, W. (2002). The burden of infectious disease among inmates of and releases from U.S. correctional facilities, 1997. *American Journal of Public Health*, *92*(11), 1789–1794.

Maddow, R. (2002). *Pushing for progress: HIV/AIDS in prisons*. Washington, DC: National Minority AIDS Council.

Weinbaum, C., Lyerly, R., & Margolis, H. (2003). Prevention and control of infections with hepatitis viruses in correctional settings. *Morbidity and Mortality Weekly Report*, *52*(1). Retrieved from http://www.cdc.gov/mmwr/PDF/rr/rr5201.pdf

Prison Gangs

Prison gangs are organized groups of individuals that exist in jails and prisons at the local, state, and federal levels. Gang members often expect to go to prison sooner or later, and gang culture is often an extension of street life that is imported into the penitentiary. Gangs are very influential in some jails, prisons, and penitentiaries. Prison gangs coalesce around race, ethnicity, nationality, and neighborhood. African American, Hispanic, and White gangs dominate many correctional facilities. This entry provides an overview of the race and ethnicity of prison gangs, how they work in prisons, and possible solutions to the problems prison gangs pose.

Race and Ethnicity in Prison Gangs

Most prison gangs have long histories and considerable ethnic and racial diversity. Among the African American gangs, prisons have incarcerated members of the Black Guerrilla Family, the Vice Lords, the Crips, and the Bloods. Hispanic and Latino gangs have included Neta and the Latin Kings, which are predominantly Puerto Rican and Hispanic, and the Mexican Mafia and La Nuestra Familia, which are mainly Mexican American. White gangs include the Aryan Brotherhood, Dirty White Boys, Outlaws, and Hells Angels. Some, like the Colombians (many of whom are affiliated with the drug cartel), are multiracial, which makes trying to identify groups based solely on skin color difficult, but members share similar mannerisms, language, and style of dress.

Gang affiliation will typically depend on the region of the country in which convicts have to do time. For example, in Illinois and New York, a disproportionate number of Hispanic gangs, such as Latin Kings, or Black gangs, such as El Rukin or Black Gangster Disciples, are part of the criminal element. In Florida one may see Puerto Rican gangs like the Nietas and 27s. In California and Texas, correctional facilities house the Mexican Mafia, Texas Syndicate, Texas M, and Texas Family, among other gangs. Much like political parties, gangs have different factions or divisions. In the Mexican organizations, for instance, there are both urban and rural components.

Gang membership often evolves and spreads geographically. In the California institutions, some of the Blue Bird Gang and Hells Angels of San Quentin (motorcycle gangs) eventually became the White supremacist Aryan Brotherhood. The Black gangs of the 1970s, like the Crips and Bloods, first started in Los Angeles. Soon they started in other cities in California, then made their way across the Midwest to the East Coast, where they became established in New York City, Boston, and Philadelphia.

Gang Affiliation in Prison

In 1988, Hagedorn found that gangs recruit new members on the street, in jail, and in prison and have colonized many state and federal institutions. A gang may serve as a surrogate family providing social and emotional needs for its members, both on the street and in prison. In fact, some members refer to the gang as their family. Joining a gang carries many obligations and responsibilities, including participating in feuds, revenge, and retaliation against rival factions. These conflicts may extend from the "hood" to the penitentiary and last for years.

In the institution, gang members are known by the ways in which they carry themselves, including altering their uniforms, sharing their food and contraband, and associating with particular individuals during meals and recreation. Gang members basically "hang together": This means eating as a group in the cafeteria, walking the yard together, pumping iron (lifting weights), and sticking close to each other at work assignments or in housing units. In prison, gang members try to make themselves comfortable. This means that they want new uniforms that are sharply pressed and a locker full of cigarettes and commissary food. Some want

nothing more than to watch sports channels like ESPN every day, all day.

Even if convicts want to "do their own time" and be left alone, there are strong pressures to join a gang for self- and mutual protection. In situations like these, unaffiliated individuals are subject to routine victimization, and they may not be able to defend themselves. Gang members may coerce, extort, or steal material possessions or services from convicts. This can occur in any number of places inside the correctional facility. Sometimes this is done when inmates conduct a cell invasion, by running en masse into the victim's cell and grabbing anything of value. The loners—the people without, or with minimal, social skills or friends—and those who are physically weak are vulnerable to being physically attacked or preyed upon by prison gang members.

Gangs are organized to carry out business, not only on the street but also in prison. They are heavily involved in bringing contraband into the penitentiary. These items vary from institution to institution, state to state, and typically include alcohol, cell phones, cigarettes, condoms, currency, drugs, tobacco, tattooing materials, and nicotine patches. These are often components of the "inmate economy," used for exchange. Gangs use many methods to get illegal drugs into prisons. One way is to have visitors bring drugs into the visiting room. Another method is to simply throw the drugs over the wall or fence in a tennis ball or to use slingshots to propel the projectile. Another method is air drops, in which packages of drugs are released from small airplanes that fly over the institution at night.

Gang members may also recruit or coerce correctional officers (COs) to bring drugs and other contraband into prison. They may compromise the COs by threatening to report any deviant or illegal behavior they observe or hear about: This includes drinking alcohol on the job, appearing intoxicated, doing drugs, or having sex with a prisoner. Alternatively, a convict may successfully threaten an officer's family by finding out where they or their loved ones live. Still, some COs—because they are paid so little or want to make extra money—smuggle contraband into the institution.

In many prisons, it is not uncommon to find that some gangs focus a lot of their attention on sports betting. Because the standard currency in prison is a carton of cigarettes or postage stamps, this is usually the minimum bet placed. On the other hand, convicted drug dealers who are used to "living large" and having a lot of money will bet $10,000 to $20,000 on a game. The loser will need to have the money sent in from the outside. If he is lucky, his girlfriend, relative, or friend will arrange to have the money put on his commissary account. Then he needs to go to the commissary and purchase items on a regular basis to pay his gambling debt. Alternatively, if he owes $1,000, he may have a buddy on the street pay it to the gang on the outside.

Finally, a sophisticated gang may actually get new members or wannabes (who do not have a criminal record) to apply for a job as a CO with the state departments of corrections. Some jurisdictions appear so desperate to hire and have such low qualification requirements that they will employ anyone who does not have a felony conviction. If hired, the person then acts as the go-between to smuggle drugs and other forms of contraband into the prison.

Solutions

Many prison systems have implemented gang prevention strategies. Identification of gangs is included in CO training. During classification, gang affiliation is determined, and efforts are made to separate gang members from the general population so that they do not threaten other inmates. Once gang members are incarcerated, intelligence officers and/or chiefs of security monitor gang activity and share this information with their counterparts at other institutions. Other options are to place gang leaders in supermax (maximum security) prisons, where they will have minimal or no contact with fellow inmates.

Gang treatment and rehabilitation are other options. Occasionally, departments of corrections institute these kinds of programs. For example, in 1993 at the Hampden County Correctional Institution in Massachusetts, gang members were segregated, then given a cognitive training program. Such programs are often used to help individuals think before they act. In some prison systems, such as those in New York State, programs led by inmates are implemented. The

Alternatives to Violence Program, which started in 1975, is run by lifers who hold workshops and teach younger inmates about the causes of violence, how it can escalate, and how to avoid it.

Jeffrey Ian Ross

See also African American Gangs; Latino Gangs; Prison, Judicial Ghetto; Supermax Prisons

Further Readings

American Correctional Association. (1993). *Gangs in correctional facilities: A national assessment*. Washington, DC: U.S. Department of Justice.

Bourgois, P. (2002). *In search of respect: Selling crack in El Barrio* (2nd ed.). New York: Cambridge University Press.

Camp, G., & Camp, C. (1985). *Prison gangs: Their extent, nature, and impact in prisons*. Washington, DC: U.S. Department of Justice.

Fong, R., Vogel, R. E., & Buentello, S. (1992). Prison gang dynamics: A look inside the Texas Department of Corrections. In P. Benekos & A. V. Merlo (Eds.), *Corrections: Dilemmas and directions* (pp. 57–78). Cincinnati, OH: Anderson.

Hagedorn, J. (1988). *People and folks: Gangs, crime and underclass in a rustbelt city*. Chicago: Lakeview.

Hassine, V. (2004). *Life without parole* (3rd ed.). Los Angeles: Roxbury.

Lavigne, Y. (1989). *Hell's Angels: Three can keep a secret if two are dead*. Toronto, ON, Canada: Lyle Stuart.

Moore, J. W. (1978). *Gangs, drugs and prison in the barrios of Los Angeles*. Philadelphia: Temple University Press.

Ross, J. I., & Richards, S. C. (2002). *Behind bars: Surviving prison*. Indianapolis, IN: Alpha Books.

Stastny, C., & Tyrnauer, G. (1982). *Who rules the joint? The changing political culture of maximum-security prisons in America*. Lexington, MA: Lexington Books.

Toller, W., & Tsagaris, B. (1996). A comparison of gang members and non-gang members in a prison setting. *The Prison Journal*, *81*(2), 50–60.

Private Prisons

The Bureau of Justice Statistics designates a prison as private when the facility is privately owned or operated. This definition of private prison includes detention centers, jails, and other correctional facilities that hold adults and, in a growing number of cases, juveniles. It also includes halfway houses, work farms, and specialized jail facilities such as medical, treatment, and release centers. Temporary facilities where inmates are transferred out within a 72-hour period are not included in the bureau's definition of private prisons.

Corporatization of Prisons

The demand for prison cells in the United States swelled in the mid- to late 1970s and into the 1980s for several reasons:

1. Increased rates of immigration and violent crime, such as murder, rape, and robbery—much of the violent crime concomitant with immigration is ascribed to increased smuggling, higher smuggling fees, and the inability of migrants to pay those fees. According to Alan Bersin, many of the migrants smuggled drugs to pay their passage. Trafficking drugs left many migrants vulnerable to assault and robbery.
2. The War on Drugs.
3. The "get tough on crime" campaign.
4. "Weed and Seed" initiatives. The principal mission of the U.S. Department of Justice's Weed and Seed Initiative was to help communities "weed out" violent crime by "seeding" the communities with a variety of social services. Critics of weed and seed programs contend that the weeding component of the initiative brought about overpolicing in communities, which in turn led to increased incarceration.

In response to the need for new prison cells, a case can be made that the for-profit prisons, through their lobbying efforts, were able to influence sentencing reforms, which stiffened penalties meted out to criminals.

As shown in Table 1, lobbying by for-profit prisons was so successful that 25 states passed truth-in-sentencing legislation and 11 passed habitual offender laws. They were also effective in orchestrating the opening of four new private prisons and one prison industry. The impact of their efforts translated into inmates serving more time in

Table 1 Impact of For-Profit Prisons' Lobbying

Legislation	*Number of Enactments*	*States*
Truth in Sentencing Act (inmates serve as least 85% of their sentence)	25	Arkansas, California, Connecticut, Florida, Georgia, Illinois, Indiana, Louisiana, Massachusetts, Michigan, Mississippi, Missouri, Montana, Nevada, New Hampshire, North Carolina, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wyoming
Habitual Offender/Three Strikes (life imprisonment for a third violent felony)	11	Arkansas, Florida, Indiana, Montana, New Jersey, North Carolina, South Carolina, Tennessee, Vermont, Virginia, Wyoming
Private Correctional Facilities	4	Arkansas, Connecticut, Mississippi, Virginia
Prison Industries (requires prisoners to work for private companies)	1	Mississippi

Source: Bridgette Sarabi and Edward Bender, "The Prison Payoff: The Role of Politics and Private Prisons in the Incarceration Boom," published by Western Prison Project (November 2000). Used by permission of Partnership for Safety and Justice (previously Western Prison Project).

Note: Three strikes legislation was previously passed in Washington State in 1993 and California in 1994.

prisons and the prison population increasing. As a result of more time served in prisons, more money changed hands between the government and for-profit providers who owned and managed the prisons. The industry giant Corrections Corporation of America's market capitalization was $1.4 billion in 2003.

Impact on African American Males

The U.S. Department of Justice found in 2003 that the U.S. prison population surpassed 2 million for the first time, and according to the California Prison Focus, the United States incarcerated 500,000 more people than did China. The race to incarcerate and the laws concomitant with this period resulted in the prison population doubling. The increasing focus on prisonization disproportionately impacted African Americans. The Bureau of Justice Statistics reported that in 2003 10.4% of the entire African American male population in the United States ages 25 to 29 was incarcerated. This statistic, according to them, represents by far the largest racial or ethnic group to be incarcerated in the United States. The Justice Policy Institute in 2002, in a similar vein found that the number of Black men in prison has grown to 5 times the rate it was 20 years ago.

Critics of prison privatization contend that the increased lobbying by private prisons coupled with the overpolicing of minority communities has led to more African American men in jail than in college. For instance, in 2000—the year 25 states passed truth-in-sentencing legislation along with habitual offender laws (Table 1)—there were 791,600 Black men in prison and 603,032 enrolled in college. Two decades earlier there were 143,000 Black men in prison and 463,700 enrolled in college.

Table 2 underscores the use of imprisonment and demonstrates the inimical effect incarceration has had on African American males since slavery. Graham Boyd contends that incarceration is the new form of slavery; Boyd does this by comparing the number of Black males who were enslaved and the projected Black male inmate population. His point is that slaves provided free labor under slavery, and once they were emancipated, the prison system was born to recapture the free labor that Blacks provided under slavery. The convict leasing system also played a prominent role in exploiting

Table 2 Projected Black Inmate Population and Black Male Slaves

Year	*Projected Black Male Inmate Population*	*Year*	*Black Male Slave Population*
2000	792,000	1820	783,781
2005	1,040,027	1830	1,001,986
2008	1,224,719	1840	1,244,000
2017	1,999,916	1860	1,981,395

Sources: Boyd (2001b); U.S. Department of Justice, Bureau of Justice Statistics (2001).

Note: Number of African American male inmates is derived from a baseline of 2 million prisoners and assumes that African American men represent 41.3% of the total inmate population. The growth in prison population assumes a constant yearly growth rate of 5.6%. This was the average rate of growth for the decade from 1990 to 2000.

Black prison labor. Convicts provided free labor under the convict leasing system. The author compares the 1860s to the 2000s and shows that the justice system has statistically replicated slavery in 2000 and 2005 in the number of Black males who were under involuntary servitude. The author avers that this trend will continue, and it is suspected by critics that it is being fueled by private prisons' lobbying efforts.

The Case for Prison Privatization

Support for any form of privatization has always focused on the purported ability of private entities to be more efficient and effective because they are subject to competition. With states being plagued by budgetary concerns, privatization of prisons was a natural progression when juxtaposed to the costs being spent on corrections versus education, for example. Many states privatized their prisons because of overcrowding concerns and to secure additional bed space. The privatization campaign was strengthened by advocates of prison privatization by amplifying states' fiscal woes and appealing to the tax-resistant climate. They were also aided by their promise to manage prisons more economically, build them faster, and operate them more effectively.

Several independent studies funded by for-profit prison providers found that the private sector can finance, construct, service, and operate most types of correctional facilities more efficiently than can the government. Corporations that manage prisons also position themselves as efficient because they are not hampered by public personnel policies and unionized workforces.

The Case Against Private Prisons

Critics of the argument that the private sector can deliver corrections cheaper and more effectively and provide better quality point out that the public sector exists because of the inability or unwillingness of the private sector to engage in particular activities thought necessary to achieve the ideal of the common good. It is untenable to suggest that the private sector can do it cheaper when one considers that many for-profit prisons receive subsidies to site a prison in the community. A cost is incurred any time a subsidy is paid, and costs occur because states have to regulate the private prisons.

Finally, the decision to privatize prisons ultimately rests on the discussion about how privatization lowers costs to the taxpayer, although the argument should be much broader and address hidden expenses for the states that contract, such as the costs to monitor the prison. A question that continues to be raised by critics of prison privatization concerns what they see as the vested interest in incarceration for private providers of correctional services; namely, that they can remain profitable only by making sure that prison beds are filled. Thus, say critics, goals to reduce recidivism are not at the fore for private prisons, because no incentive exists for private prisons to take any actions that might reduce the recidivism rate. If private prisons lowered the recidivism rate, their bottom lines would be adversely affected.

Speculative Prisons

Private firms began to build speculative prisons in rural communities in the 1990s. Most of the

speculative prisons were sited for economic development. A few characteristics of speculative prisons are (a) the prison is built without a contract and without the state's involvement as to where the prison is built, (b) most of the inmates in speculative prisons are from a different state, and (c) prisoners are brought from all over the United States to serve their time in these prisons.

Speculative prisons were not regulated when they first began to appear because the demand for additional space continued to grow, and the for-profit providers began to recognize the potential profitability prisons offered, especially in communities starved for jobs. Corrections Corporation of America and the Geo Group (formerly known as Wackenhut) circumvented the request-for-proposal process by assuming the risk of building private prisons without a commitment or contract from the state. These companies felt that profit was certain, that prisons were recession proof, and that they would be able to fill the prisons they built without a guarantee of prisoners from a corrections department. Wall Street agreed that prison construction is a potentially lucrative business. Companies such as E. F. Hutton and Merrill Lynch readily provided financing and capital to these private corporations and have underwritten $2 billion to $3 billion for construction of speculative prisons.

Research Directions

Before private prisons can solidify their position of being more efficient, effective, and providing better quality than public prisons, more empirical research must be conducted to substantiate their claims. The research should not be value-laden, which has been the case with respect to those who argue for and against private prisons. Another focus of research should be on the impact of prisons on children. This is important because so many Black men are in prison and to date, the research that attempts to establish the nexus between having a parent in prison and children's psychosocial functioning has been criticized as lacking an empirically sound basis.

Byron E. Price

See also Attica Prison Revolt; Convict Lease System; Fear of Crime; Ghetto, Ethnoracial Prison; Mandatory Minimums; Myth of a Racist Criminal Justice System; Sentencing Disparities, African Americans; War on Drugs

Further Readings

Blakely, C. R. (2005). *America's prisons: The movement toward profit and privatization*. Boca Raton, FL: Brown Walker Press.

Boyd, G. (2001a, July/August). The drug war is the new Jim Crow. *NACLA report on the Americas*. Retrieved from http://www.aclu.org/drugpolicy/racialjustice/10830pub20010731.html

Boyd, G. (2001b). *Historical demographics, economic, and social data: U.S., 1790–1970*. Ann Arbor, MI: Inter-University Consortium for Political and Social Research.

Coyle, A., Rodley, N., Campbell, A., & Neufeld, R. (Eds.). (2003). *Capitalist punishment: Prison privatization & human rights*. Atlanta, GA: Clarity Press.

Hallett, M. A. (2006). *Private prisons in America: A critical race perspective*. Chicago: University of Illinois Press.

Logan, C. (2002). *Changing the guard: Private prisons and the control of crime*. Oakland, CA: The Independent Institute.

Price, B. E. (2006). *Merchandizing prisoners: Who really pays for prison privatization?* Westport, CT: Praeger.

U.S. Department of Justice, Bureau of Justice Statistics. (2001, March). *Prisoners and jail inmates at midyear 2000*. Washington, DC: Author.

Profiling, Ethnic: Use by Police and Homeland Security

Ethnic profiling, also called racial profiling, is a controversial issue in the criminal justice system. It is a new term for old practices of institutional discrimination and racial or ethnic bias. The term *profiling* has its roots in profiling serial murderers by the Federal Bureau of Investigation and drug law enforcement in the late 1970s and early 1980s. The basic concept of profiling involves using characteristics of captured offenders as a guide in apprehending potential offenders. Racial/ethnic profiling is a controversial issue, with advocates and opponents squaring off on the practice. Civil rights groups and minority groups often accuse police of using race/ethnicity as a basis for detaining, searching, arresting, and

incarcerating people. Police argue that race/ethnicity is only one characteristic used in a profile of criminal offenders.

Problems with the practice of racial/ethnic profiling began to emerge in the 1980s when police began using drug courier profiles to combat the illegal transportation of drugs into, and within, the United States. These profiles were created by analyzing characteristics of apprehended drug couriers. Police commonly used race or ethnicity as one factor in predicting or identifying possible drug couriers in the airports and on the highways. As a result, patrol officers received training on drug interdiction on the highways so that they could successfully profile vehicles and drivers transporting illegal drugs. This practice was very popular throughout the law enforcement community in the southern United States and quickly spread to other police agencies across the country. Much debate and controversy surround the use of racial/ethnic profiling to target potential criminal offenders. However, the practice of profiling has continued and is especially significant today with the perceived constant threat of terrorism.

The use of profiling by police was brought to the national spotlight in the early 1990s. The urgency of this issue began with complaints from citizens directed at the New Jersey State Police. The accusations claimed that troopers were stopping Black and other minority motorists solely because of their race/ethnicity in order to search their vehicles for drugs. In 1997, researcher John Lamberth completed a study of whether the percentage of Black drivers stopped and searched by police was occurring naturally by chance. Although there is no way to determine the motivation of every police officer who initiates a traffic stop, Lamberth concluded that his study showed discriminatory behavior by police against racial minorities. His research was successfully used by the defense in *State v. Soto*.

Other researchers have studied this issue using local and state police data and have come to similar conclusions. Based on the research findings, the American Civil Liberties Union and other civil rights groups argue that the disproportionate number of convicted minority offenders is due to profiling. The phrases "driving while Black" and "driving while Brown" have originated from the practice of profiling by police. Because of the controversy surrounding this issue, legislation has been enacted in many states directed at prohibiting the use of racial/ethnic profiles by police. Many police agencies have also developed policies requiring officers to collect race, ethnicity, sex, and age data from every stopped motorist so that it can be analyzed to ensure that profiling is not occurring.

Police possess a different opinion on the use of racial/ethnic profiles. They argue that the use of race/ethnicity as a valid characteristic of an offender or potential offender is a time-tested tool of law enforcement; it is accepted nationally in the law enforcement community and should be allowed to continue. They also contend that the results of research studies can be manipulated for political reasons and as such, these studies reflect police in a bad light, making them appear to be biased against minorities.

The position of the American public on profiling is dependent upon the conditions. It has been found that a vast majority of Americans do not support police use of domestic profiling (i.e., use of race/ethnicity to profile drug couriers). However, since the terrorist attacks on the World Trade Center and Pentagon on September 11, 2001, polls show that a majority of Americans do feel that it is acceptable to profile Arabs and South Asians.

National security has become a matter of increased concern to government agencies as well as the general public since the events of September 11, 2001. Racial/ethnic profiling is a hot topic in the homeland security arena. At issue is whether race/ethnicity can and should be used in airports or in our communities as a tool to apprehend potential terrorists before they can act. The Supreme Court has stated that the government may use race/ethnicity as a profiling tool if the reason is compelling (potential terrorism is considered to be a compelling reason). However, by the same token the government must use the least-restrictive means available to investigate individuals. This means that the government should rely not only on these characteristics but more importantly on individual behavior and mannerisms. With the support of the American people and lawmakers, law enforcement personnel are careful when using race/ethnicity as the sole terrorist characteristic, but they also realize that many of the terrorists identified to date have been Arab.

The examination of racial/ethnic profiling illustrates that as the world changes, so do ideas of

prejudice and discrimination (i.e., what is acceptable and what is not). The United States is currently at a point where race and/or ethnicity may be used for law enforcement purposes but not as the sole reason for detaining, arresting, searching, or incarcerating an individual. This issue will continue to be debated based on the Supreme Court's least restrictive means requirement and changing public opinion.

Todd E. Bricker

See also Disproportionate Arrests; Disproportionate Incarceration; Disproportionate Minority Contact and Confinement; Profiling, Racial: Historical and Contemporary Perspectives; *State v. Soto*

Further Readings

Gallup News Service. (1999, December). *Racial profiling is seen as widespread, particularly among young Black men* [Poll release]. Princeton, NJ: Gallup Poll Organization.

Harris, D. A. (1997). "Driving while Black" and all other traffic offenses: The Supreme Court and pretextual traffic stops. *Journal of Criminal Law and Criminology, 87*(2), 544–582.

Harris, D. A. (1999). The stories, the statistics, and the law: Why "driving while Black" matters. *Minnesota Law Review, 84*, 265–326.

Smith, M. R., & Petrocelli, M. (2001). Racial profiling? A multivariate analysis of police traffic stop data. *Police Quarterly*, *4*(1), 4–27.

Profiling, Mass Murderer

Mass murder refers to the slaying of a number of people at the same time, within the same event. This distinguishes mass murderers from serial killers, who murder a number of people over an extended period (perhaps months or years). Mass murder is also distinct from spree killing. Spree killers slay a number of people over a short period of time in a connected but separate series of events. Serial killers also tend to actively evade detection by law enforcement to operate over time, whereas mass murderers often die at the hands of police or by suicide during or immediately after the commission of the crime. Some scholars hold that mass murder should apply to the slaying of four or more people; others disagree and assert that two or three could also be considered mass murder.

Scholars also differ on the motivation and profile of the mass murderer. The term is wide ranging and can encompass terrorists, genocidal dictators, family annihilators, school shooters, workplace murderers, and other types identified by researchers. Whereas some researchers prefer to focus on the criminological aspects of the lone, socially isolated, private citizen mass murderer, others include the more institutionalized form of mass murder/genocide when discussing the issue.

Organized Mass Murder

Organized, institutionalized, political genocide and mass murder are driven by racial, ethnic, religious, and intragroup conflicts. Examples include the Turkish genocide of Armenians in 1915–1917; the mass murder of Jews by Germans and their collaborators during World War II; the murder of intellectuals and potential dissidents by the Khmer Rouge communist regime of Cambodia in the 1970s, and currently the Sudan government and its allied militias in Darfur. These mass murders are orchestrated by organized factions and driven by political and ideological motivations. Systematic political genocide by governments or other factions include executions, starvation, mass rapes, and death camps. Racial and ethnic hatreds contribute greatly to this systemized murder of another culture. Terrorist groups such as al-Qaeda commit acts of mass murder to further a religious and political agenda, and they often use techniques such as remote explosions and suicide attacks.

The Mass-Murdering Individual

The mass-murdering individual also often commits suicide afterward, which is one reason why it is difficult to collect primary data about their motivations. Several motivations for the mass murderer have been offered by various scholars. These models include perverted love, revenge, sexual homicides, psychosis, and politically motivated hate. Other scholars have focused on school shooters, family annihilators, and revenge-driven disgruntled types such as workplace killers.

Perverted love murderers and family annihilators commit familicides based on their own egocentrism, inability to perceive their family members as distinct people, and need for control. Like other mass murderers, they are almost always men and usually White. Revenge murderers, akin to the disgruntled types, harbor resentment and seek a sense of payback against others for real or perceived wrongs done to them. One type of revenge mass killer is the workplace murderer, who tends to also be male and older than other murderers. Workplace murderers are driven by work-related issues and social isolation, as well as the depersonalization of the victims, who come to symbolize the work environment. These typologies may overlap, and it is important to remember that mass murder is a complex phenomenon involving multiple factors.

Mass murderers tend to use firearms, and the victims are deliberately selected. There is usually a precipitating event, such as a romantic or work-related setback. They tend to be male, White, and socially isolated; have poor coping skills; harbor rich revenge fantasies; and are perhaps socially and sexually inept and often suicidal. They tend not to be truly psychotic, in that they are usually oriented to reality and are not suffering hallucinations or delusions. One exception to the latter is the case of Charles Weston, a mentally ill man who fired shots at the White House in 1998.

Mass Murderers: The Role of Race

Compared with other homicides, mass murders are rare. The 2005 Federal Bureau of Investigation statistics indicate that of all homicides for that year, 4% involved two victims, and murders with three or more victims made up less than 1%. Still, there are demographic patterns that have emerged in multiple-victim homicides, including the role of race. In general, mass murderers tend to be White males of a broad range of ages (although there is a tendency toward middle age). Notable exceptions include the 2007 Virginia Tech killer (an Asian male), 1993 subway killer Jamaican-born Colin Ferguson, and Julio Gonzalez, the Cuban-born murderer who burned down a Bronx night club in 1990, killing 87 people. Mass murderers such as Pittsburgh lawyer Richard Baumhammer or Oklahoma bomber Timothy McVeigh are examples of what may be the more familiar model of this offender profile: middle-class White males with intense grievances against either the government or some select group of people.

One source stated that mass murder, or "sudden mass assault by a single individual" (SMASI), broke down demographically as 77% White offenders, 15% Black, and 7% other, whereas overall homicide rates reported in a 2005 Bureau of Justice Statistics 30-year study were 51% White, 47% Black, and 2% other. Data on the motivations of mass murderers are difficult to obtain, in part because, as noted earlier, the mass murderer often does not survive his rampage. Therefore, the reason behind the higher SMASI offense rates for Whites (compared to general homicide rates) remains unclear. One expert has stated that research into the dynamics of the individual mass murderer is in its very earliest stages. Further studies exploring this and other questions about the complex series of motivational factors behind this crime seem warranted.

Mass Murder and the Media

Scholars have noted the influence of media notoriety and attention that mass murderers seek (and often receive) through their actions. This was apparent in the Virginia Tech murders, in which the killer sent a package of self-interviews on CDs, DVDs, and other materials to NBC News. This act was reminiscent of the videos and other media materials released by Islamist fundamentalist terrorist groups and leaders. In this attention-seeking behavior and clear desire for notoriety and media coverage, the mass-murdering loner and the al-Qaeda terrorists may share a common trait.

David R. Champion

See also Ferguson, Colin; McVeigh, Timothy; Profiling, Serial Killer; Violent Crime

Further Readings

Crissman, J. K., & Chmelier, S. B. (2007). *Mass killers*. Retrieved from http://www.deathreference.com/Ke-Ma/Mass-Killers.html

Fox, J. A., & Levin, J. (1994). *Overkill: Mass murder and serial killing exposed*. New York: Plenum.

Holmes, R. M., & Holmes, S. T. (2000). *Mass murder in the United States*. Upper Saddle River, NJ: Prentice Hall.

Profiling, Racial: Historical and Contemporary Perspectives

The concept of racial profiling has surged in recent years as one that seems to drive policy at the state and federal levels. In the study of race and crime, racial profiling refers to the use of an individual's racial and ethnic characteristics in decisions about participation in crime. Racial profiling is most often associated with traffic stops but also includes profiling illegal immigrants and retail shoppers. The idea of drivers being pulled over or ticketed on the basis of their race and ethnicity has led politicians and civil rights activists to launch campaigns across the United States, to inform the public, particularly minorities, of their apparent vulnerability to this form of institutional racism. This entry provides an overview of the history, challenges, and future of racial profiling. Although the term *racial profiling* is a relatively recent one, the broader practice of using racial/ethnic characteristics as a basis for immigration and criminal justice policy and practice has a long history. This entry reviews the historical background of racial profiling and reviews the issues underlying contemporary debates about this practice.

Historical Background

Although it is difficult to trace the history of racial profiling per se, the principle of targeting individuals based on their race and ethnicity existed before, during, and after slavery in the United States. As American history books show, profiling based on race was prevalent during slavery. Segregated railroad cars for Blacks were in existence in the 19th century, before the Jim Crow era, and even during the early stages of the Jim Crow years, in the 1890s, racial profiling was practiced.

As the era of slavery ended, several forms of racial profiling continued in the United States. For instance, during the immigration era, when hundreds of thousands of immigrants arrived in the United States hoping to find a better way of life, a few were labeled and isolated for various reasons. Those from southern and eastern Europe were considered less able to assimilate, and their race and ethnicity were considered strong predictors or indicators of predispositions relevant to criminal behavior. Some immigrants were labeled "unhealthy" because they came from countries in Europe where famine and diseases were believed to be rampant. The Immigration Act of 1875 was intended to prevent Chinese and Japanese individuals who were suspected of being prostitutes or convicts from entering the United States.

The exclusion of certain individuals from entering the United States was not limited to official operations overseas. In fact, in ports of entry such as Ellis Island, New York, individuals were marked on their foreheads if they were believed to exhibit a disease or characteristic not desirable among the American population. Once the immigrants were marked by one or more letters or designations, they were removed from the inspection line and placed in examination rooms where they were checked for further signs of illnesses. Those whose illnesses were not considered to be serious were sent to the hospitals for observation and care. Those whose illnesses were determined to be serious were deported back to their countries of origin.

The underlying factor here is that individuals who were more likely to present illnesses originated from poor countries in Africa and other underdeveloped areas of the world. In other words, people of color or those considered at the time to be ethnically inferior were overrepresented among the isolated population at Ellis Island and other similar immigration ports.

The labeling or profiling of individuals based on their physical appearance was not limited to public policy in the United States. In fact, at the same time as the Jim Crow era, the Italian physician and criminologist Cesare Lombroso (1835–1909) began to identify patterns of criminality based on the physical appearances of individuals. Lombroso influenced the academic stance on physical appearance being associated with behavior; in this case, criminality.

More recently, U.S. public policy has been used to profile individuals on the basis of appearance through the Drug Courier Profiles developed by the Drug Enforcement Administration in the 1980s.

When the United States launched the "Say No to Drugs" campaign, it became clear that drug couriers carried a particular profile that could be detected. In addition to the basic behavioral patterns (i.e., little or no luggage, use of an alias), it became important to also include race and ethnicity as components of the profile used by the Drug Enforcement Administration.

Since the advent of the drug courier profiles, the media have presented numerous stories related to ordinary citizens, mostly minorities, who claim to have been racially profiled by police officers while driving, commonly referred to as "driving while Black" or "driving while Brown." In a case that brought national attention to the topic of racial profiling, in April 1998 two New Jersey state troopers fired 11 shots into a van carrying four Black men on their way to a basketball clinic. After the shooting, the troopers brought in drug-sniffing dogs in an effort to find drugs and thus make it seem that the shooting had been justified. To the displeasure of the troopers, they found only basketball equipment and a Bible inside the vehicle.

This and other similar cases gave rise to public awareness regarding racial profiling. In addition, a publication by the American Civil Liberties Union (ACLU) titled "Driving While Black: Racial Profiling on Our Nation's Highways," which illustrated cases where racial profiling had taken place, led to a public outcry. After the release of the ACLU report, President Clinton invited academics, legislators, civil libertarians, and practitioners to participate in the "Strengthening Community Partnerships" conference held in Washington, D.C., in June 1999. Following the conference, President Clinton directed the Departments of Justice, Treasury, and Agriculture to collect data on the race, ethnicity, and gender of all individuals subject to stops by federal law enforcement officials. It should be noted that this initiative also had a profound effect at the state level as more than half of all states modeled legislation similar to the federal initiative requiring the collection and reporting of traffic contact data.

Challenges Presented by Racial Profiling

From discussions and debates involving legislators, academics, and civil libertarians, several central points on this topic have emerged:

1. Racial profiling is not a myth but a real phenomenon that occurs in contemporary police practices. Even if media reports overestimate the number of actual incidents, it is a practice that some law enforcement officials follow. There are approximately 20,000 law enforcement agencies and over 600,000 law enforcement professionals in the United States. Most of these are honest and law-abiding individuals who strive to make a positive difference in the lives of people on a daily basis. However, a few engage in the practice of selective enforcement of the law by utilizing race and ethnicity as indicators of criminality. Although some people deny the existence of racial profiling, it certainly exists; on the other hand, it does not take place across the board on a daily basis. The truth lies in the middle.

2. Racial profiling in the law enforcement community is, for the most part, an individual problem rather than an institutional one. The media often report data that seem to imply that police departments are engaging in racial profiling. A careful review of hundreds of these reports indicates that racial profiling cannot be determined by data alone. That is, the practice of racial profiling stems from individual-based bias that cannot be quantified by an organization's overall practice regarding traffic stops. The days when police chiefs would instruct police officers to racially profile are part of a dark past. Today, most police supervisors would not remain long in their position if they instructed officers to target minorities. This is not to say that a few officers may not exhibit personal biases toward minorities. However, such personal biases cannot be detected using institutional data regarding traffic stops unless individual-based analyses are performed. In this case, the data would need to be accompanied by other factors (i.e., racist remarks, complaints by citizens, abuse of force) that would indicate, when analyzed together, an obvious bias on behalf of the officer.

3. The September 11, 2001, terrorist attacks gave greater prominence to the topic of racial profiling. Some argued that after the September 11 terrorist attacks took place, racial profiling would no longer be an issue because the United States would be concerned with more serious matters. In

fact, the opposite took place. That is, more civil rights–based lawsuits associated with racial profiling seem to have been filed since the 9/11 attacks than at any other time. Further, states have increasingly become concerned because individuals are being targeted not only on the basis of their race and ethnicity but also because of their religious affiliation. Also, there is current disagreement between local and federal law enforcement regarding the extent to which individuals should be targeted for the sake of national security. The federal government currently has programs in place at major airports that profile individuals based on their race and ethnicity; in contrast, local officials, for the most part, have declined to participate in similar practices, citing constitutional rights that would be violated.

The Future of Racial Profiling

Racial profiling is a complex issue, and it cannot be measured or understood in its entirety simply through collection and analysis of traffic contacts between police officers and the public. Such data collection is nevertheless important. Some contend that we must record the nature and disposition of all such contacts, a difficult task to accomplish, particularly by large police departments. The future of racial profiling is uncertain, but its use is likely to continue, and it is difficult to imagine that it will disappear from public attention. It is a vital issue for public officials, academics, and civil libertarians, and social scientific research is needed to guide efforts to reach a consensus on this topic.

Alejandro del Carmen

See also Black Codes; Immigrants and Crime; Northeastern University Institute on Race and Justice; Profiling, Ethnic: Use by Police and Homeland Security; *State v. Soto*

Further Readings

Davis, R. L. F. (2005). *From terror to triumph: Historical overview*. Retrieved from http://www.jimcrowhistory.org/history/overview.htm

del Carmen, A. (2008). *Racial profiling in America*. Upper Saddle River, NJ: Prentice Hall.

Harris, D. A. (1999, June). *Driving while Black: Racial profiling on our nation's highways* (American Civil Liberties Union special report). Retrieved from http://www.aclu.org/racialjustice/racialprofiling/15912pub19990607.html

Heumann, M., & Cassak, L. (2005). *Good cop, bad cop: Racial profiling and competing views of justice*. New York: Lang.

Hutchinson, E. P. (1981). *Legislative history of American immigration policy (1798–1965)*. Philadelphia: University of Pennsylvania Press.

Kraut, A. H. (1955). *Ellis Island: Historical overview*. Frederick, MD: University Publications of America.

Profiling, Serial Killer

In Waterbury, Connecticut, in 1957, police arrested the "Mad Bomber" George Metesky in connection with a string of bombings in New York City that had plagued the city over a 16-year period. Upon his arrest, Metesky donned a double-breasted suit—just one of many details about the suspect that had been predicted by Dr. William Brussel, a psychiatrist who had constructed a profile of the bomber. Brussel's profile also matched Metesky in several other key details: His predictions about Metesky's ethnicity, age, paranoia level, and other personal characteristics were all validated. The Mad Bomber case has been recognized as the first use of psychological profiling by authorities to detect and apprehend criminal offenders.

Serial Murder and Profiling

Serial murder is distinguished from other multiple-homicide classifications in that the repetitive slayings are part of discrete events, separated by time. This differentiates serial killing from spree killings (in which several slayings are committed within a short time, stemming from the same event) and mass murder (in which several victims are killed at once). Serial murder is often sexual in nature, and the killer may follow a behavioral pattern that may be detected through interpretation of evidence. There is usually no prior relationship between the victim and the killer. Killers may select victims for their symbolic meaning to the

killer or because of their lack of power. Therefore, serial murderers often choose homeless people, prostitutes, and others who may appear unable to defend themselves or who have been so marginalized by society that their disappearance or death may not be aggressively investigated by authorities. Many sexual serial killers select victims as symbols for a general object of antipathy, such as offenders who act in response to their intense hatred for, and need to control and subjugate, women.

The term *profiling* refers to the interpretation of evidence in order to construct a model of traits and behaviors of the perpetrator. Profiles may cover a wide range of characteristics, including social skills, race, job status, living arrangements, intelligence, the presence of criminal or psychiatric records, even birth order. Aside from assisting in the identification and apprehension of suspects, profiles may provide information about what kind of evidence to search for at a suspect's residence, such as violent pornography or personal effects taken from the victim as trophies. Profiles are most effective when grounded in the evidence and constructed from experience, common sense, data from past cases, and basic psychological principles. Profiles examine crime scene aspects such as weapon use, positioning of the body, and other factors that might provide insights about the nature of the offender. Profiling is not an exact science, however, and should be considered as an investigatory tool that can supplement traditional methods of detection. The Federal Bureau of Investigation's National Center for the Analysis of Violent Crime provides profiling and other support to local and state law enforcement agencies for repetitive violent crimes.

Robert Ressler and John Douglas are two pioneers of modern criminal profiling. They devised the distinction between *organized* and *disorganized* offenders, one of the most fundamental tenets of profile construction. These categories are based on attempt to evade detection, the apparent planning of the crime, the victim approach (such as luring the victim to a car or a secluded area or launching a blitz attack), and other features that would indicate how thought-out and carefully planned the murder was. Profilers then build their model on the perceived functioning and organizational skills of the murderer.

Serial Murder and Profiling: The Role of Race

In 2002, two African American men were apprehended as the "D.C. Beltway murderers," who had driven around the Washington, D.C., Virginia, and Maryland area and shot people from the trunk of their vehicle. The apprehension followed an intense media speculation cycle that often unfortunately included false witness reports and inexpert "profiles" describing the unknown assailant as a lone White male. The D.C. Beltway case demonstrated flaws in the profiling approach, including the dependence upon false data as well as the difficulty of constructing a profile of a crime for which there were no similar past cases. Serial killers are indeed most often lone White males, but like all crimes, repetitive murder can be committed by people of any race or ethnicity. Prominent African American serial murderers also include Wayne Williams (the Atlanta murders), Kendall Francois, Coral Watts, and Cleophus Prince, Jr. The Baton Rouge killer turned out to be an African American male who was originally profiled as White (although the profile was correct on several other points). Profiling is often described as being more art than science and is based, to an extent, on the characteristics and statistics of past crimes. Because serial killers tend to be young White males, profiles often go in that direction unless the evidence indicates otherwise.

The arrest of the D.C. murderers led many people, both Black and White, to revisit the lone White male stereotype of a serial murderer. Studies estimate the percentage of African American serial killers to be between 13% and 16%. When considering this percentage against the fact that Blacks make up 12% of the U.S. population, it is apparent that the commission of serial murder, as with any crime, is not confined to any particular racial or ethnic group.

Some observers speculate that Black serial killers may be largely ignored by the mass media compared to White ones for a number of reasons, including a cultural tendency in the United States to ignore Black victims of crime (in intraracial serial slayings) or a reluctance to identify African American males as perpetrators of another type of offense when that group already struggles with unfair stereotypes of criminality. Serial murder is

driven by many factors, including childhood abuse; an overwhelming need to control and subjugate others; and intense, sadistic, violent fantasies. These factors may be assumed to have the potential to converge in anyone, regardless of race. Whatever the reasons for the relative cultural indifference to, and ignorance of, African American serial killers (as compared to White ones), additional studies would be useful in determining whatever influence race may have on serial murder.

David R. Champion

See also Profiling, Mass Murderer; Violent Crime

Further Readings

Douglas, J., Burgess, A. W., Burgess, A. G., & Ressler, R. K. (1997). *The crime classification manual: A standard system for investigating and classifying violent crimes*. San Francisco: Jossey-Bass.

Holmes, R. M., & Holmes, S. T. (2002). *Profiling violent crimes: An investigative tool*. Thousand Oaks, CA: Sage.

Ressler, R. K., Burgess, A. W., & Douglas, J. E. (1995). *Sexual homicide: Patterns and motives*. New York: Simon & Schuster.

Public Opinion, Death Penalty

The death penalty has long been an issue that divides Americans along racial lines. Since the American Institute of Public Opinion (the producer of the Gallup polls) first began systematically recording death penalty opinion in 1936, racial differences in opinion have been evident. Indeed, during the first half-century of Gallup death penalty opinion polling, between 1936 and 1986, racial differences in death penalty opinion were greater than any other demographic characteristic, and that remains the case in most years since 1986. In the 38 Gallup polls with data on race that have been conducted between 1936 and 2006, the percentage of Whites who have favored the death penalty has always exceeded the percentage of Blacks who have favored it; and the percentage of Blacks who have opposed the death penalty has always exceeded the percentage of Whites who have opposed it. Over the 70-year period, an average of 67% of Whites have favored the death penalty compared to 44% of Blacks, and 46% of Blacks have opposed the death penalty compared to 26% of Whites. In every polling year during this period, except 1953, 1965, and 1999, the percentage of Blacks undecided about the death penalty has surpassed or equaled the percentage of Whites who have been undecided about it. About 3 percentage points more Blacks than Whites, on average, have responded "no opinion" or "don't know" to a question about the death penalty.

Despite these consistent trends, racial differences in death penalty support and opposition have varied greatly over the 70-year period. The mean difference has been 23 percentage points. The largest difference in support was 34 percentage points, recorded in 2005, whereas the smallest difference was the 6 percentage points recorded in 1953. The largest racial difference in opposition was 30 percentage points in 2005, whereas the smallest difference was 5 percentage points in both 1937 and 1957.

For Whites, the high point in support and low point in opposition between 1936 and 2006 were in 1995, when 81% indicated support and only 10% registered opposition. The low point in support and high point in opposition for Whites were in 1966, when 44% supported the death penalty and 46% opposed it. In only 1957, 1965, and 1966 have less than 50% of Whites supported the death penalty (in 1957, 48% supported it; in 1965, 46% supported it; and, as noted, in 1966, 44% supported it). As for Blacks, the high point in support was in 1953, when 65% expressed support; the low point was in 1966, when only 22% did so. The high point in opposition for Blacks came in 1972, when 64% of Blacks opposed the death penalty; the low point was in both 1991 and 1995, when 31% were opposed. In only 12 of the 38 polling years, 1953, 1982, 1985, 1989–1996, and 1999 did a majority of Blacks favor the death penalty. However, in 27 of the 38 poll years, a majority of Blacks did not oppose the death penalty either, which is mostly attributable to the large percentages of Blacks who were undecided about the penalty. The percentage of Blacks undecided varied between 0% in 1953 and 20% in 1957 and 1966, whereas the percentage of Whites undecided varied between 1% in 1953 and 18% in 1957.

As noted, during most of the 1990s, a majority of Blacks supported the death penalty, which constituted a dramatic change from their historical pattern. However, there have always been Black proponents of the death penalty. A recent study found that Black proponents are hardly distinguishable in other characteristics from their White counterparts. Black proponents tend to be male, married, politically conservative, have high incomes, come from middle- and upper-class backgrounds, live in urban areas and the South, are afraid of crime, have never been arrested, and perceive that the courts are too lenient with criminals.

It has been suggested that racial differences in death penalty support and opposition during the pre-1975 period can be attributed to "the disproportionate application of the death penalty to Blacks" and to "the civil rights movement, which increased Black sensitivity to such inequalities." That may be true for the 1953 to 1966 period, when Black support decreased 16 percentage points more than White support and Black opposition increased 7 percentage points more than White opposition, but it does not seem to apply as neatly to other periods. Between 1966 and 1985, for example, Black support of the death penalty increased by 24 percentage points, just 10 percentage points less than the increase by Whites. White opposition, on the other hand, declined 31 percentage points between 1966 and 1985, while Black opposition declined only 16 percentage points. In the 1966 to 1967 period, at the heart of the civil rights movement, Black support of the death penalty increased 6 percentage points more than White support. Despite these disparities, White and Black support and opposition have always increased and decreased in the same directions.

Death penalty opinion research published prior to 1975, when death penalty support was more moderate than it generally has been since, frequently attributed support of capital punishment to some rather unflattering social psychological characteristics such as dogmatism, authoritarianism, and racism. Proponents of capital punishment were less likely than opponents to approve of gun registration laws or to favor open housing legislation and more likely to favor restrictive abortion laws, to approve of the ultra-right-wing John Birch Society, to move if Blacks moved into their neighborhoods, and support such things as restrictions on civil liberties, discrimination against minority groups, and violence for achieving social goals. However, in light of the dramatic increase in death penalty support since 1975 (until recently), one might have hoped that such a distinctive personality profile of death penalty proponents no longer applied. Unfortunately, recent evidence suggests otherwise. Support of capital punishment by many Whites continues to be associated with prejudice against Blacks.

Furthermore, these racial differences in death penalty opinion do not appear to be a function of other factors. Research shows that the race/ethnicity difference in death penalty opinions holds after controlling for the effects of socioeconomic status, religion/religiosity, political ideology, positions on right-to-life and other social issues, fear of crime and victimization experience, experience with the criminal justice system, philosophies of punishment, and attribution styles. In another recent analysis, death penalty opinion was found to be a product of both the characteristics of individuals and the social environment. Significant community-level variation in support of the death penalty was discovered, while controlling for standard demographic characteristics. Some areas had very high levels of support, other areas had more modest levels of support, and, in some areas, a majority of residents opposed the death penalty. Residents of local areas with higher levels of homicide, a larger proportion of Blacks (but much less than a majority), and a more conservative political climate were more likely to support the death penalty. These data show there is much variation in death penalty opinions within various groups and not just between them. Still, for the most part, the same sorts of people continue to favor and oppose the death penalty the most strongly. The characteristics (for which there are comparable data) that have consistently distinguished death penalty proponents from death penalty opponents between 1936 and 2007 are race, sex, political party, and income. Over the 70 years between 1936 and 2007, Whites, males, Republicans, and wealthier people have been more likely to support the death penalty than non-Whites, females, Democrats, and poorer people. Conversely, non-Whites, females, Democrats, and poorer people have been more likely to oppose the death penalty than Whites, males, Republicans, and wealthier people.

In sum, if the numbers of Blacks and Whites in the population were reversed, perhaps there would be no death penalty in the United States. On the other hand, if Blacks constituted a majority of the American population and Whites a minority, perhaps Blacks would exercise their political power as Whites have and support the death penalty, while a majority of Whites, having become politically subservient, would oppose it. Either way, the death penalty in America remains a racially divisive issue.

Robert M. Bohm

See also Death Penalty; Marshall Hypotheses; Public Opinion Polls

Further Readings

Arthur, J. (1998). Proximate correlates of Blacks' support for capital punishment. *Journal of Crime and Justice*, *21*, 159–172.

Barkan, S. E., & Cohn, S. F. (1994). Racial prejudice and support for the death penalty by Whites. *Journal of Research in Crime and Delinquency*, *31*, 202–209.

Baumer, E. P., Messner, S. F., & Rosenfeld, R. (2003). Explaining spatial variation in support for capital punishment: A multilevel analysis. *American Journal of Sociology*, *108*, 844–875.

Bobo, L. D., & Johnson, D. (2004). A taste for punishment: Black and White Americans' views on the death penalty and the war on drugs. *Du Bois Review*, *1*, 151–180.

Bohm, R. M. (1991). American death penalty opinion, 1936–1986: A critical examination of the Gallup polls. In R. M. Bohm (Ed.), *The death penalty in America: Current research* (pp. 113–145). Cincinnati, OH: Anderson.

Cochran, J. K., & Chamlin, M. B. (2006). The enduring racial divide in death penalty support. *Journal of Criminal Justice*, *34*, 85–99.

Smith, T. W. (1975). A trend analysis of attitudes toward capital punishment, 1936–1974. In J. E. Davis (Ed.), *Studies of social change since 1948* (Vol. 2, pp. 257–318). Chicago: University of Chicago National Opinion Research Center.

Public Opinion, Juvenile Delinquency

Delinquency has always existed in American society; however, in the past decade the public has begun to perceive juvenile delinquency as a major threat to the safety and stability of society. This is so even though national crime data do not support this perception. For example, an analysis of *Uniform Crime Report* statistics for 1995 and 2006 indicate that even though the country's population increased by 20 million, the total number of juveniles arrested decreased by 460,000. In fact, serious crimes of murder and nonnegligent manslaughter, forcible rape, robbery and aggravated assault decreased 64%. This leads one to wonder why the public has become so concerned about delinquency that it supports the growing national trend toward juvenile waivers, in which jurisdiction is transferred from the juvenile justice system to the criminal justice system, so that children become eligible for prosecution as adults. Nine out of 10 respondents in a 1995 national poll agreed with the practice of waiving serious juvenile offenders to adult court. This entry examines this and other aspects of public opinion and juvenile delinquency.

To understand this phenomenon, one must examine how the public's perception of delinquency is determined. It is generally agreed that most Americans' perceptions about crime and delinquency are derived from newspapers and television news stories. The term *moral panic* has been used to describe a reaction to a perceived threat to the prevailing moral order or value system of society by some group or cultural behavior. Although the term itself is relatively new, this is a phenomenon that has been around many years, most likely since the advent of the town crier. This perceived threat has to be spread in some manner. In modern society the news media saturate the airways 24 hours a day and require exciting or controversial subjects to air and to maintain their audience ratings. Many news outlets today use the motto "if it bleeds, it leads" in determining the focus of their broadcast. History is replete with examples of moral panic; most in the past 50 years were promoted and exploited by the news media. McCarthyism in the 1950s, the portrayal of Arabs and Muslims on American television after September 11, the so-called War on Drugs, and many pedophilia laws like Megan's Law are modern examples of events that either triggered or were the result of moral panic.

However, studies indicate that even as juvenile crime rates have declined, there has been a significant

increase in news coverage on the topic, thus contributing to an erroneous perception regarding the severity and magnitude of juvenile delinquency in America. For example, studies conducted in Houston, Chicago, and New Orleans indicate that approximately 0.4% of all crimes are murders, yet 46% to 50% of all crime stories reported by local television newscasters in those cities were about murders.

It could be argued that the crack cocaine scare of the 1980s was the impetus for the public's changing perception of juvenile delinquency, as this was the decade that the public was inundated with images of young Black males openly dealing and using crack. Crack, a cheaper form of cocaine than powder, became the drug of choice in low-income communities, and thus it was often associated with Black Americans. When a promising college athlete, Len Bias, died from an overdose of cocaine that was thought to have been in the form of crack, the media engaged in a frenzy of news coverage about crack. Several factors contributed to the skyrocketing popularity of crack: Its highly addictive nature made it attractive to dealers, and the immediate high following inhalation, combined with the lower cost compared with powder cocaine, made it attractive to users. With its increasing availability and the perception that it was related to violent street crime, legislators, with the urging and full support of the Congressional Black Caucus, quickly passed legislation that enhanced criminal sanctions for drug dealers convicted of selling crack. For example, drug dealers selling small amounts of crack often received the same sentence as someone in possession of 100 times the amount of powder cocaine. Because crack was disproportionately sold in African American communities, more than 85% of those receiving the lengthier sentences were African Americans.

In the early 1990s, even though the number for total juvenile crime was declining, there was a spike in violent crimes committed by juveniles. This spike included offenses such as murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault. This led many social pundits, criminologists, and the media to provide social commentaries about a new type of juvenile offender; this new breed of delinquent was characterized as impulsive and brutal, with tendencies to show no remorse, often using or dealing illegal narcotics and being armed with powerful guns. This "superpredator" became the focus of media fascination worldwide, often increasing parental fear of one's own children and laying the foundation for passage of some of the most punitive legislation for juvenile offenders ever enacted.

Approaching the second decade of the 21st century, U.S. society continues to experience the effects of juvenile delinquency, although not to the alarming extent that some had predicted. Barring a shift in editorial and broadcast policies by the newspaper and television industries, however, the daunting image of juvenile delinquency, too often represented as a young Black male terrorizing society, will remain in public view.

John A. McConnell

See also African American Gangs; Criminalblackman; Delinquency and Victimization; Juvenile Waivers to Adult Court; Moral Panics; Racialization of Crime; Sentencing Disparities, African Americans; Superpredators; Willie Bosket Law

Further Readings

Cohen, S. (1972). *Folk devils and moral panics: The creation of the Mods and Rockers*. London: MacGibbon & Kee.

Dilulio, J. (1995). The coming of the super-predators. *The Weekly Standard*, *1*(11), 23.

Domanick, J. (2008, January 6). Prisoners of panic: Media hype and political quick fixes have swelled our inmate population. *Los Angeles Times*. Available at http://www.latimes.com

Federal Bureau of Investigation. (1996). *Uniform crime report: Crime in the United States, 1995*. Retrieved from http://www.fbi.gov/ucr/95cius.htmok

Federal Bureau of Investigation. (2007). *Uniform crime report: Crime in the United States, 2006*. Retrieved from http://www.fbi.gov/ucr/cius2006/data/table_43.html

Jan, I. F., Ball, J. D., & Walsh, A. (2008). Predicting public opinion about juvenile waivers. *Criminal Justice Policy Review*, *3*, 285–300.

Lowry, D. T., Nio, T. C., & Leitner, D. W. (2003, March). Setting the public fear agenda: A longitudinal analysis of network TV crime reporting, public perceptions of crime, and FBI crime statistics. *Journal of Communications*, *53*(1), 61–73.

Pizarro, J. M., Chermak, S. M., & Gruenewald, J. A. (2007). Juvenile "super-predators" in the news: A comparison of adult and juvenile homicides. *Journal of Criminal Justice and Popular Culture*, *14*(1), 84–111.

Tiegreen, S., & Newman, E. (2006, November). *How are crime and violence covered in the news? Comparing reporting with reality* [Fact sheet]. Retrieved from http://www.dartcenter.org/research/fact_sheets/fact_sheet5.php

Public Opinion, Police

Since the late 1960s, there has been a rich tradition in criminological research studying public opinion of police. Such research is important because it provides a knowledge base for policymakers and police administrators to design and implement better policies and practices that can enhance public support and subsequently improve police accountability and police–community relations. Given the gate-keeping role that the police play in the contemporary criminal justice system, negative perceptions toward the police not only reduce the ability of police to control and prevent crime but also undermine public trust in the legitimacy of law enforcement, the criminal justice system, and even the whole government. History has shown that when the relationship between police and citizens, particularly residents in minority communities, is intense, a single, high-profile incident can trigger deteriorating effects, such as deadly confrontations between police and citizens and urban riots. Indeed, research has shown that public ratings of police declined precipitously after major incidents of police brutality, such as the 1991 beating of Rodney King, and the 1996 assaulting of two Mexican immigrants in California.

Nevertheless, research on public opinion of police has consistently found widespread positive evaluations of the police. The majority of Americans give the police very favorable ratings, especially in areas such as responding quickly to calls for help and assistance, not using excessive force, and being helpful and friendly. Nationwide surveys repeatedly show that the general public rates the police more favorably than many other professions, such as college professors, bankers, journalists, lawyers, elected officials, and union leaders. Studies also indicate that the level of satisfaction and support for police varies by individual demographic characteristics, crime and criminal justice experiences, and neighborhood contexts.

Individual Demographic Characteristics

Race

Race has been the focal concern of a considerable number of studies on public opinion of police. Racial minorities, African Americans in the case of the majority of research, are found to be less likely than Whites to view the police favorably. The racial difference can be explained using two theoretical frameworks: the sense-of-injustice perspective and the group-position perspective. The sense-of-injustice perspective posits that racial minorities, especially African Americans, tend to have a less-favorable view of police because they are more likely to have a sense of unequal treatment by the criminal justice system, in general, and the police, in particular. Two sources may contribute to the higher level of sense of injustice among African Americans. First, they are consistently overrepresented in the criminal justice system, which has generated serious concerns among Blacks about the fairness of American law enforcement. Second, African Americans are more likely to be victims of both violent and property crimes, which has raised the question of equal protection by police.

The group-position perspective asserts that group orientations toward social institutions spring mainly from a sense of group position. As members of the dominant group, Whites tend to share a sense of superiority and are more likely to hold favorable opinions of the police because they perceive this social institution as providing critical and scarce resources to which they are entitled and with which their interests and superiority are ensured. The stereotyping images of African Americans (e.g., more violent and prone to crime) commonly held by many Whites also lead to strong support among Whites for aggressive law enforcement against African Americans and their neighborhoods. Racial prejudice associated with a sense of group position thus is one of the key factors

differentiating Blacks' and Whites' views of the police.

Class

Class, or socioeconomic status, is another factor that influences public opinion of police. As with race, both the sense-of-injustice and the group-position perspectives are appropriate for the explanation of class differences in attitudes toward police. The sense-of-injustice perspective suggests that working-class people hold less-favorable attitudes toward police than wealthy people because they are more likely to be the subjects of police control actions. Similarly, the group-position perspective suggests that members of a higher socioeconomic tier are more inclined to have a close relationship with police because they rely on the police to serve their interests.

A number of empirical studies have found that people in the lower socioeconomic status are more likely to have less-favorable attitudes toward police than are the wealthy. Other studies argue that class conditions the relationship between race and satisfaction with police, but the findings are less conclusive. Whereas some find that Blacks' perceptions of the police become more positive as they move up the social structure, others show that wealthy Blacks are more likely than poor Blacks to be less supportive of the police. Still others find that economically and educationally advantaged Blacks have more-favorable evaluations of police.

Age

It has been widely observed that younger citizens tend to have less-favorable attitudes toward police than older citizens. Some researchers actually argue that age is the strongest predictor among all individual demographic characteristics. This age effect could be explained by the different orientations that people have: Younger people are more freedom oriented, whereas older people are more safety oriented. In addition, the types of contact between youth and police could be the determinants of the less-favorable attitudes toward police. Younger people are more likely to engage in risky behaviors than are elderly people; thus they are more likely to have negative or involuntary encounters with the police. It is also argued that youth do not hold negative perceptions of the police but are just indifferent in their opinion of police.

Gender

Findings on the impact of gender on public opinion of the police are more equivocal. Studies demonstrated that males tend to hold less-favorable attitudes toward police than females, while a few others reached exactly the opposite conclusion. Moreover, an interactive effect may exist between age and gender. For example, younger men tend to hold the most negative attitudes toward police.

Crime and Criminal Justice Experience

Victimization and Fear of Victimization

Researchers have yet to reach a consensus on the relationship between victimization and satisfaction with police. Some early studies found that neither having a recent experience as a crime victim nor being threatened with criminal victimization (either property or personal crime) affected attitudes toward police. More recent studies, however, indicated that victimization experiences tended to increase unfavorable attitudes toward police. Studies also discovered that the effect of victimization on perception of police could vary by race. For example, victimization could be negatively associated with perception of police for Whites but not for Blacks.

The most satisfied crime victims are those who perceived police officers as helpful, concerned, and courteous. A study done in New Zealand showed that younger victims, victims of burglary, and victims who were beneficiaries were more likely than other types of victims to express higher levels of dissatisfaction with police responses. Two top reasons that victims give for their dissatisfaction were reported: The police had not done enough, and the police appeared uninterested.

Contact With Police

It can be argued that regardless of the nature of contacts, as the number of contacts with police increases, the level of public satisfaction with police decreases. However, the majority of studies on the relationship between contact with

police and public opinion of police reveal a more complex picture, in which the relationship can vary by two main factors: the type of police contact and the performance of the police on the scene.

Generally speaking, people who come in contact with police involuntarily are more likely to hold less-positive views than those who come in contact with police voluntarily. For example, individuals who came into contact as a result of criminal victimization or traffic stops tended to express lower levels of satisfaction with police, whereas individuals who called for service did not show such a trend. A recent study, however, found that it was not the contact type, but the satisfaction level with the contact, that determined the overall satisfaction with police. Researchers reported that individuals who were satisfied with either a call for service or a traffic stop were more satisfied with police than persons who had no contact with police at all. Other researchers have argued that the positive interactions between police and residents do not improve public opinion of police. Rather, it was the simple visibility of officers in the neighborhoods that contributed to the positive evaluation of the police.

Officers' actions on the crime scene are also important predictors. The length of the response time, the efforts that officers take to explain their course of action, and the attitudes they hold toward average citizens can all affect public opinion of police. Moreover, the effects of individual demographic characteristics on public perception of the police can function primarily through the mediating effects of these experiential, on-scene factors. The close relationship between the way in which citizens are treated and their positive perceptions of the police reinforces the notion that perceptions of procedural fairness and justice are as important as, if not more important than, perceptions of fair outcome.

Neighborhood Contexts

Racial Composition

The effects of neighborhood characteristics on public opinion of police are relatively underresearched. A small number of studies have reported a link between neighborhood racial makeup and attitudes toward police. For example, studies have found that African Americans' dissatisfaction with police decreased from all-Black, to most-Black, to mixed and to most-White neighborhoods, whereas Whites' dissatisfaction increased each step of the way from all-White to most-Black neighborhoods. Researchers claimed that it is not the color of skin but the color of the neighborhood that is associated with dissatisfaction with police.

A possible interaction between individual racial background and neighborhood racial composition has been noted. Researchers found that African Americans' perceptions of the quality of police services declined when the percentage of African Americans in the neighborhood rose, but Whites' perceptions were not significantly related to neighborhood percentage of African Americans. The interactive effects between neighborhood racial composition and class level have also been revealed. For example, it was found that there were attitudinal variations between Blacks in a Black middle-class neighborhood and Blacks in a Black lower-class neighborhood, with Blacks in the middle-class neighborhood being more skeptical of the ability of the police to use discretion without racial discrimination.

Class Composition

Some researchers argue that the crucial factor in shaping public perception of police misconduct or police–community relationship is neighborhood class position, rather than neighborhood racial composition or individual class. Based on data collected from three neighborhoods in Washington, D.C., one research study found that residents of a Black lower-class neighborhood were more likely than those who lived in a Black middle-class or a White middle-class neighborhood to perceive or experience police abuse. In addition, it was found that residents in the Black middle-class neighborhood were more likely to perceive fair police treatment than those in the Black lower-class and White middle-class neighborhoods.

The connection between neighborhood racial composition and class position is most evident in recent research that has incorporated percentage of Blacks into the scale of neighborhood class status and created a new concept of concentrated disadvantage. Concentrated disadvantage

represents an economic disadvantage factor in racially segregated urban neighborhoods that is characterized by percentages of Black, poverty, public assistance, unemployment, and female-headed households. Concentrated disadvantage has been found to be inversely related to satisfaction with the police.

Crime Rates

Public perceptions of the police could be a function of the real or perceived crime problems in neighborhoods. It has been found that people who reside in high-crime neighborhoods and people who are fearful of crime in their neighborhoods tend to hold less-positive views of police. The violent crime rate could be a significant factor in explaining why residents of concentrated disadvantaged neighborhoods are the most dissatisfied with police. It is also reasonable to expect that high crime rates have their independent impact on resident satisfaction with local police. High crime rates can heighten people's fear of crime and undermine their confidence in the ability of police to control crime. Meanwhile, more police officers are assigned to the high-crime-rate areas, which might increase the negative or involuntary encounters between residents with officers and subsequently lead to lower satisfaction with the police.

Yuning Wu and Ivan Y. Sun

See also Police Action, Citizens' Preferences; President's Commission on Law Enforcement and Administration of Justice; Public Opinion, Punishment; Public Opinion Polls

Further Readings

Apple, N., & O'Brien, D. (1983). Neighborhood racial composition and residents' evaluation of police performance. *Journal of Police Science & Administration*, *11*, 76–84.

Brown, B., & Benedict, W. (2002). Perceptions of the police: Past findings, methodological issues, conceptual issues and policy implications. *Policing: An International Journal of Police Strategies & Management*, *25*, 543–580.

Cao, L., Frank, J., & Cullen, F. (1996). Race, community context and confidence in the police. *American Journal of Police*, *15*, 3–22.

Dunham, R., & Alpert, G. (1988). Neighborhood differences in attitudes toward policing: Evidence for a mixed-strategy model of policing in a multi-ethnic setting. *Journal of Criminal Law and Criminology*, *79*, 504–523.

Frank, J., Smith, B., & Novak, K. (2005). Exploring the basis of citizens' attitudes toward the police. *Police Quarterly*, *8*, 206–228.

Jesilow, P., Meyer, J., & Namazzi, N. (1995). Public attitudes toward the police. *American Journal of the Police*, *14*, 67–88.

Reisig, M., & Parks, R. (2000). Experience, quality of life, and neighborhood context: A hierarchical analysis of satisfaction with police. *Justice Quarterly*, *17*, 607–630.

Tyler, T. (2005). Policing in Black and White: Ethnic group differences in trust and confidence in the police. *Police Quarterly*, *8*, 322–342.

Weitzer, R., & Tuch, S. (2002). Perceptions of racial profiling: Race, class, and personal experience. *Criminology*, *40*, 435–457.

Public Opinion, Punishment

The relationship between public opinion and punishment in the United States has recently come to the forefront of criminological and criminal justice scholarship. Much of this is due to the political context in which criminal justice policy is discussed—a context that hinges on political rhetoric and attempts to justify tough crime policies by referencing the "will of the people." However, the people referenced are not a homogenous group of "tough on crime" advocates. New scholarship in this area has highlighted the diverse perspectives Americans have on capital punishment, three strikes legislation, and rehabilitation as a component of, or alternative to, incarceration. More specifically, research in this area suggests a rather ubiquitous influence of race and ethnicity on perceptions of punishment and fairness of justice systems. Accordingly, this entry examines the current state of public opinion on punishment by reviewing new scholarship in this area and further describes how research in the area of race and ethnicity has contributed to the debates about perceptions of disparity in the criminal justice system and punishment.

Current State of Public Opinion and Punishment Studies

Most scholarship on public opinion and punishment has been focused on capital punishment for adult offenders, possibly because this issue can be seen as politically divisive and a powerful way to get Americans engaged in political debates about crime and punishment. As such, a considerable amount of scholarship has highlighted several noteworthy trends regarding the preferences of individuals' attitudes toward the death penalty. For example, some scholars have suggested that on average most Americans support capital punishment for cases where the defendant has been convicted of murder. The levels of support, however, are lower and less consistent for other criminal offenses. Research in this area has found over the past 25 to 50 years, between 66% and 80% of Americans say they support capital punishment.

Scholarship outside the study of public opinion and punishment has recently called attention to the issue of executing the innocent. The Innocence Project and Frontline's documentary *Burden of Innocence* have suggested that there have been individuals wrongfully executed, and there remain many more people who could potentially be exonerated through the use of DNA testing, thus calling into question the issues of fairness, consistency, and justice with respect to this type of crime policy and punishment technique. Owing to technological advances and prisoner rights advocacy groups, new questions have emerged that may shake the foundation on which individuals justify their beliefs—namely, the belief in a fair and equitable system. Because of this, new theories and empirical studies have investigated the links between public opinion and support for capital punishment. The data suggest that the belief that innocent people have been executed has an overall impact on levels of support for capital punishment and is most notable among minority groups, which are often the ones most affected by injustices in the U.S. system of corrections.

Moving beyond work focused solely on capital punishment, recent scholarship has called attention to changing support for correctional rehabilitation programs, perceptions about the goals of prisons, and alternative ways of processing and punishing juvenile offenders. Work in this area has tried to uncover what the differences are in what Americans believe prisons are doing and what they expect the justice system should be doing. The innovative findings of this body of work suggest that the American public may not in fact be as punitive as previously thought after looking solely at support for capital punishment. In fact, the majority of Americans would prefer to see rehabilitation as a central component of incarceration. These findings are even more impressive when children are considered. Specifically, the American public has been more concerned with helping children who fall into the criminal justice system and who have historically been thought to be more amenable to treatment than adults. As such, the American public tends to favor funding programs that are intended to rehabilitate rather than incarcerate.

Race and Ethnicity: The Enduring Cleavage

Recent scholarship that focuses on racial and ethnic cleavages has further contributed to the understanding of Americans' support for various justice policies. Work in this area has sought to better explain variation in levels of support for different kinds of punishment as a function of racial cleavages. Most notable findings of this work suggest that minorities are far less supportive of capital punishment and three strikes legislation, which mandates life sentences for repeat felony offenders. The evidence derived from this body of work suggests that an individual's racial/ethnic background has a significant effect on his or her support or opposition to capital punishment. The greatest difference in levels of punitiveness is between Blacks and Whites, with Latinos falling somewhere in the middle. Essentially it appears that Americans have fundamentally different worldviews of what American justice is and how it functions.

The scholarship reviewed suggests that race/ethnicity is still an enduring factor that shapes public perceptions about social policy, criminal justice, fairness, and the use of capital punishment. Future scholars should more thoroughly consider what public sentiment is being cited in justification for tough-on-crime sentencing and policies, and who is being affected.

Jennifer Christian

See also Death Penalty; Public Opinion, Death Penalty; Public Opinion Polls

Further Readings

Callanan, V. J. (2005). *Feeding the fear of crime: Crime-related media and the support for three strikes*. New York: LFB Scholarly.

Roberts, J. V., Hough, M., & Hough, J. M. (Eds.). (2002). *Changing attitudes to punishment: Public opinion, crime and justice*. Portland, OR: Willan.

Unnever, J. D., & Cullen, F. T. (2007). Reassessing the racial divide in support for capital punishment: The continuing significance of race. *Journal of Crime and Delinquency*, *44*, 127–158.

Public Opinion Polls

Public opinion polls have become commonplace in the United States. Polls, sometimes referred to as surveys, are the systematic collection of opinions, attitudes, and perceptions of citizens, usually captured by way of a sample of some larger population. Writing in the 1920s, the journalist and political commentator Walter Lippmann expressed antipathy to polling citizens, believing that knowing what ordinary citizens think about a particular social issue would be no help to those whose purpose it was to make decisions about public policy. During the same period, George Gallup and Elmo Roper believed just the opposite, arguing forcefully that what people think quite often can put people in and out of public office, contribute to decisions about whether to take the nation to war, and can set the tone and the standard for public morality in general. The first Gallup poll, for example, received quite a debut in *The Washington Post*, with a headline that noted the poll's contribution to government through Americans' speaking their minds.

Since the first Gallup poll in 1935, there has been an explosion in public opinion surveys. There is little doubt that findings from these polls are taken seriously by elected officials. Political campaigns and the media alike pay homage to public opinion polls, releasing continuous information about where political candidates stand in the eyes of the public and from one day to the next.

Other surveys ask questions about a host of societal issues other than politics. Thousands of polls and surveys are conducted each year, and one would be hard pressed to find an individual over the age of 18 who has not been asked to take part in a poll. Just as is the case with most scientific research, race and/or ethnicity is often included as a question in public polling to enable comparisons among various subgroups of the population.

Public Polling or Surveys in the Social Sciences

In the social sciences, survey research is one of the most widely used methodologies. The U.S. Census has played a major role in the employment and proliferation of this type of research. The purpose of the census is to provide up-to-date information about the demographic and economic profiles of U.S. citizens. It does so while trying to capture information within all U.S households and, as such, is often considered to be a study of an entire population as opposed to a survey of a sample of that greater population. Nonetheless, the work of the U.S. Census has provided an invaluable roadmap for researchers when it comes to questionnaire design and the use of various sampling techniques.

Major universities often house centers or institutes whose sole purpose is to engage in public opinion surveying. In these survey research centers, faculty and students, as well as public and private clients, make use of modern techniques such as the computer-assisted telephone interviewing system for random-digit-dialing telephone surveys. The American Association for Public Opinion Research serves as a major resource for novice and experienced scholars of the survey research method.

The types of questions included in public opinion surveys in the social sciences vary widely and are directly related to the interest of the researcher or the agency or organization on behalf of whom a study is being conducted. For example, the Texas Crime Poll, conducted by the Survey Research Center of the College of Criminal Justice at Sam Houston State University, has been asking the public what it thinks about crime and justice since the 1970s. The crime poll was administered by way of a mail survey for over 2 decades and in the 1990s began to make

use of telephone surveying techniques. As with other repeat polls and surveys, the Texas Crime Poll, conducted annually, makes use of a base set of questions, such as attitudes toward rehabilitation or opinions about the death penalty. Those base questions are asked every year in an effort to measure the extent to which public opinion might be shifting over time. In addition, questions about "hot topic" issues are included in order to gauge how Texans think about them. Every year, the results of the Texas Crime Poll are widely disseminated to members of the Texas legislature, county and local officials, and other public officials and agencies. Just as was noted by Gallup in the early days of polling, there is a general notion that officials pay attention to public opinion as represented in the Texas Crime Poll and others like it around the country.

On a national level, the National Crime Victimization Survey (NCVS) randomly selects households, approximately 66,000 or so, and asks questions of participants about their personal victimization experiences. Questions are included that capture information about the characteristics of the victim, the offender, and the event. As such, the NCVS is thought to obtain the so-called dark figure of crime that is associated with crime data from the Federal Bureau of Investigation's *Uniform Crime Reports,* those crimes reported to the police and for which arrests were made.

Another example of a national public opinion survey is the National Survey on Drug Use and Health, formerly the National Household Survey on Drug Abuse. This study yields estimates of substance abuse patterns and behaviors. In 2006, for example, the survey found no significant differences between White and African American youth when it comes to illicit drug use.

There are countless other national, state, and local polls and surveys whose aim it is to better illuminate the mind of the public. As mentioned earlier, one variable that is typically included in these studies, regardless of the subject matter, is race/ethnicity. It is almost always hypothesized that there are key and statistically significant differences among various racial and/or ethnic groups. These hypotheses, however, are not without basis. Rather, they have been shown to have ample support in survey research that has been completed over time and in different geographical locations (e.g., urban vs. rural or suburban areas).

Key Examples of Differences by Race/Ethnicity in Public Opinion Research on Crime and Justice

Many studies have examined differences by race/ethnicity in attitudes toward the police. Most studies suggest statistically significant differences, for example, between Whites and African Americans, with the latter being far less satisfied with their local police. This finding usually remains the same regardless of the type of contact with the police, that is, whether police or the citizen initiated the contact. In the most recent research, however, there seems to be a shift in the data. Evidence now suggests that in some locations, African Americans actually hold more positive attitudes toward their local police than do their White counterparts. This is explained, at least in part, by a change in the demographics of the city and, simultaneously, by the hiring of more African American police leaders and the election of African American mayors. Another explanation, however, is that African Americans who reside in socially disorganized, high crime areas have developed a positive relationship with the police (due to greater responsiveness on the part of the police) in that citizens are sometimes forced to call upon the police to solve crime-related problems. Regardless of which group holds more negative attitudes toward local police and under what conditions, the fact remains that there are statistically significant differences between these two demographic groups.

Most public opinion research on crime and justice suggests also statistically significant differences between Whites and African Americans when it comes to attitudes toward the key purpose of punishment. Whereas African Americans are more likely to express support for rehabilitation, Whites are more likely to support retribution or incapacitation. Also, African Americans are more likely to oppose capital punishment than are Whites.

Researchers have long theorized about why these differences exist, arguing most often that African Americans are less likely than Whites to believe that the criminal justice system in general is fair, just, and free of bias. The racial divide on punishment questions, therefore, could be explained by distrust of the system among minorities.

In attitudes toward capital punishment, for example, there is evidence to suggest that the race

of the offender and of the victim matters when it comes to prosecutors' decision to seek the death penalty in capital punishment states. Other evidence suggests disparate treatment between Whites and African Americans when it comes to plea bargaining and non–death penalty offenses. Although an argument suggesting that the entire U.S. criminal justice system is racist would probably fail—and findings from several national studies sponsored by the National Institute of Justice dispute such an argument—there is much scientific evidence from both quantitative and qualitative studies to support the contention that such disparities do exist within various pockets of the system and across geographical boundaries. Thus, it is not surprising that those most likely to feel the brunt of these racial disparities, namely African Americans, might express different opinions about, or attitudes toward, the criminal justice system and people who work within it.

Conclusion

Public opinion polls seek to gauge the views of the citizenry. As such, they provide invaluable data for social and political scientists as well as for elected officials and policymakers. Survey research will continue to be a widely used social science method. One caution is called for, however, when it comes to attempts to examine the differences between one racial/ethnic group and another. Users of the data from key public opinion polls and/or surveys would be mistaken to conclude that any one group is monolithic in its thinking. Surely all African Americans do not think alike; no less so than do Whites, Hispanics/Latinos, Asians or members of any other demographic group. Although, statistically significant differences exist between Whites and African Americans with respect to crime and justice in the United States, sweeping generalizations about intraracial thinking on these issues should be avoided.

Barbara Sims

See also Public Opinion, Death Penalty; Public Opinion, Juvenile Delinquency; Public Opinion, Police; Public Opinion, Punishment

Further Readings

Bradburn, N. M., & Seymour, S. (1988). *Polls and surveys: Understanding what they tell us*. San Francisco: Jossey-Bass.

Cochran, J. K., & Chamlin, M. B. (2005). The enduring racial divide in death penalty support. *Journal of Criminal Justice*, *34*, 85–99.

Flanagan, T., & Longmire, D. (Eds.). (1996). *Americans view crime and justice: A national survey of public opinion*. Thousand Oaks, CA: Sage.

Frank, J., Brandl, S. G., Cullen, F. T., & Stichman, A. (1996). Reassessing the impact of race on citizens' attitudes toward the police: A research note. *Justice Quarterly*, *13*(2), 321–334.

Sims, B., Hooper, M., & Peterson, S. (2002). Determinants of citizens' attitudes toward police: Results of the Harrisburg Citizen Survey—1999. *Policing: An International Journal of Police Strategies and Management*, *25*(3), 457–471.

Puerto Rican Legal Defense and Education Fund

See LatinoJustice PRLDEF

Race Card, Playing the

"Playing the race card" is a derogatory phrase that refers to unnecessarily and inflammatorily interjecting the issue of race into a discussion, particularly when dealing with important sociopolitical events or criminal justice issues. It is extremely important to the study of criminal justice because of the need to accurately understand the true nature of crime and victimization rather than being distracted by superfluous issues that have little to do with a given problem. The race card can victimize members of any race but is most commonly aimed at portraying Whites as racist. Playing the race card has become standard operating procedure today concerning the issue of illegal immigration.

Typically, the race card is played as a way of obfuscating issues. For example, when Cynthia McKinney (former U.S. House of Representatives member from Georgia) physically attacked a Capitol Hill police officer in Washington, D.C., and was subsequently arrested, race card players argued that she was being targeted because she was Black and not because of her abusive and assaultive behavior. Similarly, when Ray Rhodes was fired as the head coach of the National Football League's Green Bay Packers, it was argued that it was not because of missing the playoffs with a mediocre 8–8 record, but because he was Black. In New Orleans, Mayor Ray Nagin was given ample warning that Hurricane Katrina was headed directly toward his city, one that is below sea level and therefore vulnerable to flooding. Rather than use all available school buses to evacuate the city, he chose to do little. Mayor Nagin delayed the evacuation order, had no one ready to drive the buses, neglected to prepare the Superdome with supplies, and allowed looters to run amok while police stood by. The race card players choose to blame the resulting deaths not on an incompetent Black mayor but rather on racism emanating from Washington, D.C. Former President George W. Bush, a Republican, was routinely excoriated because of a poor response by the Federal Emergency Management Agency, and some critics charged that he intentionally let people die in New Orleans because poor Blacks have a history of voting overwhelmingly Democratic. Playing the race card made it more difficult to objectively analyze the cause of the flood damage as well as how to improve the response of federal, state, and local governments to reduce the loss of life in future crises.

The issue of illegal immigration also provides an illustration of playing the race card. The traditional theme consistent with playing the race card involves portraying Americans as preoccupied with the race of illegal immigrants rather than the behaviors in which they engage. For example, it is not uncommon to see headlines such as "Is Racism Fueling the Immigration Debate?" "Racist Groups Exploit Immigration Issues in Effort to Promote Anti-Hispanic Agenda," "Anti-Immigrant Sentiments Fuel Ku Klux Klan Resurgence," "Anti-Immigrant Racism in the U.S. Growing," and "Deadly Toll of Anti-Immigrant Racism." According to this line of reasoning, the enforcement of federal immigration

laws is motivated by an intense paranoia that the United States will be overrun by darker-skinned people. In this case, playing the race card focuses attention on immutable traits such as race while largely ignoring behaviors such as crime and disorder that can be controlled.

It is difficult to measure precisely the impact that illegal aliens have on crime rates. One difficulty is that sanctuary cities prohibit local police from inquiring about an illegal alien's citizenship status. However, a review of available crime statistics in America indicates that illegal aliens are substantially represented in serious crimes including human smuggling, drug smuggling, homicide, and assaults on U.S. Border Patrol agents. This population also strains the resources of hospitals in border cities and contributes to costs associated with law enforcement. There is evidence that illegal immigration has produced problems in the area of crime, gangs, and communicable diseases, and opponents of illegal immigration argue that their employment lowers wages for U.S. citizens, as well as damaging the health care and education systems and the social safety net. It is important to remember that all of these problems are related to behaviors of criminals and are not immutable traits such as race. Opponents of illegal immigration argue that playing the race card hinders an understanding of the complex relationship between criminal justice variables (e.g., causes of crime and victimization). They hold that playing the race card blurs the distinction between legal and illegal entry into the country by unnecessarily portraying supporters of border security as racists or xenophobes and undermines the nation's ability to address real problems associated with race relations.

Billy Long

See also Immigrants and Crime; O. J. Simpson Case; Racial Hoax

Further Readings

Anti-Defamation League. (2005, April 15). *Racist groups exploit immigration issues in effort to promote anti-Hispanic agenda* [Press release]. Retrieved from http://www.adl.org/PresRele/Extremism_72/4731_72.htm

Buchanan, P. J. (2002, July 15). *Endlessly playing the race card* [Commentary]. Retrieved from http://www.worldnetdaily.com/news/article.asp?ARTICLE_ID=28284

MacDonald, H. (2004, Winter). *The illegal alien crime wave*. *City Journal*, *14*(1). Retrieved from http://www.city-journal.org/html/14_1_the_illegal_alien.html

Montes, C. (2006, February–March). *Anti-immigrant racism in the U S. growing* [Commentary]. Retrieved from http://www.fightbacknews.org/2006/01/immigrant.htm

Smith, S. (2006, May 26). *Deadly toll of anti-immigrant racism*. Retrieved from http://socialistworker.org/2006-1/590/590_07_AntiImmigrant.shtml

Race Relations

To truly understand race relations, one must understand race. As currently defined, a racial group is different from an ethnic group in that an ethnic group shares a common culture, whereas a racial group shares common physical characteristics. In the latest U.S. Census (2000), Asian, Black, and White were the only races identified. The term *race* has been used in various ways throughout history. For example, in 16th-century Europe, the word *race* was used in terms of one's ancestry—what we now call ethnicity. Although there is no scientific basis for determining racial categories, societies have learned to differentiate and classify race based on social beliefs and stereotypes associated with physical characteristics. Thus, racism (the belief that one race is superior to the other) becomes the ideological base in a society where physical traits are used to subjectively characterize a person or a group.

It has been shown that members of one racial group will likely see members of another racial group as being similar or different based on the attitudes and behaviors socially assigned to each of those racial categories, thus creating an "us and them" belief system. This process of categorizing creates an in-group and out-group, leading to a system of stereotyping marked by failure to see the similarities in each other's background sufficient to unite the groups as one.

Over the centuries, racial categories and classifications have changed and continue to do so. There are no specific genes that determine race (approximately .01% of our genes are reflected in our external appearances). Thus, in lieu of a blood test, people have chosen to use external differences

(skin tone, hair texture, etc.) as a way to categorize and determine who belongs to each respective racial group. Sociologists have long argued that racial categories are designed to create an opportunity for those in the majority to socially and politically construct a ranking system through physical differentiation in order for those with lighter skin to gain and maintain power economically, politically, and socially. The biological and anthropological use of a person's or group's physical characteristics as the definition of race is a relatively new phenomenon (beginning mainly in the 19th century) and has allowed groups to socially rank each other on the basis of purported inferiority and superiority. For example, the Black (color of skin) race has been associated with social inferiority compared to the White race. In this example, the physical characteristics of a person have been singled out as inferior to another's physical characteristics. In turn, negative social stigmatization is associated with the subjectively inferior racial group, and positive characteristics are associated with the subjectively superior racial group.

As an example, research shows that if criminal behavior (negative) occurs at the same rate among members of both majority and minority groups, members of the majority group are more likely to develop prejudicial attitudes toward the minority group than toward their own. In addition, Whites in the United States tend to overestimate the crime rates of African American men. Such stereotyping and prejudicial patterns are thought to have an effect on arrest patterns, criminal prosecutions, and conviction rates.

Some groups are required to prove their ancestry to be accepted as part of a classified group (e.g., American Indian); others can classify themselves based on where they are from (e.g., German Americans taking on a White classification). However, many minority categories have not had the luxury to define the group that they would like to fit into because of an exclusionary process by the majority group (e.g., African Americans and the "one-drop" rule). In the 21st century, defining race is becoming more complicated because of the increasing number of mixed-race categories and with people (e.g., the athlete Tiger Woods) embracing this self-definition. In addition, with a growing U.S. Hispanic population, the topic of race takes on another dimension for debate. The newest generation is one that is accustomed to diversity and having people from "different" backgrounds within their intimate environments (schools, clubs, etc.). Adding to the complexity is the support among evolutionary biologists for sociologists who argue that race categories are socially constructed, because it has been concluded that all humans have origins in Africa.

The study of race relations is concerned with ways in which the various groups in a multiracial society or institution come together and interact over extended periods. Often race relations take the form of conflict; however, this is not always the case. Throughout U.S. history, cooperation and accommodation have been as common as conflict (e.g., the civil rights movement).

From the colonial period to the Civil War, African Americans were stereotyped as mentally inferior by European Americans. The belief that Blacks are not as intelligent or have lower moral standards became embedded throughout U.S. institutions (economic, educational, legal, political, etc.). Today Blacks are still fighting these embedded stereotypes. In addition, current rhetoric not only involves Black versus White but also White versus Brown and Black versus Brown. Often there is no clear-cut solution to solving the issues that created these conflicts. Still, the goal of any multiracial society should be to understand one another and the differences that exist among racial groups while celebrating their similarities as members of the human race.

Aaron Thompson

See also Ethnicity; Racial Conflict; Racism

Further Readings

Baron, R. A., Byrne, D., & Brauscombe, N. R. (2006). *Social psychology* (11th ed.). Boston: Pearson.

Cuseo, J. B., Fecas, V. S., & Thompson, A. (2007). *Thriving in college and beyond: Research-based strategies for academic success & personal development*. Dubuque, IA: Kendall/Hunt.

Hamilton, D. L., & Sherman, S. J. (1989). Illusory correlations: Implications for stereotype theory and research. In D. Bar-Tal, C. F. Graumann, A. W. Kruglanski, & W. Strobe (Eds.), *Stereotyping and prejudice: Changing conceptions* (pp. 59–82). New York: Springer.

Hawkins, D. F. (1995). *Ethnicity, race, and crime: Perspectives across time and place*. Albany: State University of New York Press.

Kennedy, R. (1997). *Race, crime, and the law*. New York: Random House.

Myrdal, G. (1944). *An American dilemma: The Negro problem and modern democracy*. New Brunswick: Transaction Publishers.

Race Riots

In the 19th and 20th centuries, hundreds of racially motivated battles—primarily between Whites and Blacks—occurred in all sections of the United States, including urban and rural areas. The causes, dynamics, outcome, and impact of each race riot were unique. But, they shared one common thread: an intense hostility between White and Black Americans rooted in long-standing and far-reaching economic, political, social, cultural, and legal oppression.

A historical analysis of race riots reveals that their basic character and contours changed markedly over time. In the late 19th and early 20th centuries, African Americans were nearly defenseless against White attacks. White mobs—often with the approval and support of police and governmental officials—attacked, murdered, and lynched Black citizens with impunity. White mobs struck Black neighborhoods with the force and savagery of an invading army, burning, looting, and killing. But toward the end of the Progressive era—particularly, the "Red Summer" of 1919—Blacks began to offer more resistance. Increasingly, race riots were initiated by African Americans. They became political expressions of racial alienation and resistance to pervasive White oppression—irrefutable evidence that there was, indeed, a wide disparity between the promise and practice of American freedom, equality, and justice.

19th-Century Riots: The Mechanics of Race Control

Race riots were relatively rare before the Civil War. There were, perhaps, 40 race battles in the antebellum period. Blacks were regularly subjected to mob assaults and "crackdowns" following real and rumored slave revolts. But slave codes, Black codes, and the oppressive gaze of the White community were generally effective at keeping "niggers"—both slaves and free Blacks—in their "proper place" in the economic, political, social, cultural, and legal order. Blacks were generally reluctant to respond to White assaults. Violent Black protest in the antebellum period was tantamount to suicide.

The 1863 New York City Draft Riot was, to that point, the largest race riot in American history. For many years New York City's poor and working-class Whites had been harboring resentment against Blacks, who offered competition for jobs. However, two events played a central role in sparking the riot. President Lincoln's Emancipation Proclamation, issued in January of 1863, implied that working-class Whites were now fighting in the Civil War to free Blacks, not preserve the Union. The passage of the Conscription Act in March of 1863 further infuriated White workers. This legislation introduced a draft for White males but not Black males; it also allowed rich Whites to hire an alternate for $300 to take their place. Simply stated, the bloody conflagration was a poor White man's war.

On July 13, 1863, the first day of formal conscription, thousands of workers, including many Irish immigrants, took to the streets carrying "No Draft" signs. Mobs of angry White men and women formed all over the city. Telegraph lines were cut, stores were broken into, and symbols of state authority were attacked. The mob burned draft offices and assaulted policemen and firemen. Mobs then began to turn their attention to Chinese peddlers, German and Jewish store owners, and other despised minorities. The greater share of the mob's rage was, however, aimed at one group: Blacks.

Black men, women, and children were subjected to unprovoked savage attacks. Mobs invaded Black neighborhoods, dragging Negroes from their homes. They were shot, beaten, stabbed, and hanged from lampposts. The Colored Orphan Asylum was attacked and set on fire. Over the course of 5 days, dozens of Blacks were assaulted and killed and thousands fled the city. Order was not restored until federal troops, returning from the battle of Gettysburg, were called in to police the city. The New York City Draft Riot set the

stage for ensuing race wars: Blacks could be attacked and murdered with impunity.

Other late 19th- and early 20th-century race wars and "clearances"—calculated attacks aimed at driving Blacks out of an area—were, with isolated exceptions, also one-sided assaults on African Americans. In 1898 the White citizens of Wilmington, North Carolina, became enraged when an editorial in a Black newspaper stated that many sexual contacts between White women and Black men were consensual, not the product of rape by "savage Black beasts." The mob burned down the newspaper and raided Black neighborhoods, focusing on successful propertied citizens—"uppity niggers." Fifteen hundred Blacks were forced to leave the city. Their houses, businesses, and personal property were looted and confiscated.

Nineteenth-century riots were not, however, solely aimed at Blacks. Nativism, xenophobia, and religious conflicts, as well as disputes between workers and capitalists, also sparked violent confrontations. In 1871, for example, White mobs in Los Angeles attacked Chinese workers, who had been imported to build the railroads, killing 18. The 1870 New York City Orange Day Parade, held by Protestants to celebrate the victory of William of Orange over Catholic King James II at the 1690 Battle of the Boyne in Ireland, resulted in a riot that left 6 dead. The 1871 Orange Parade was even more deadly, as 60 were killed and hundreds wounded. Hundreds of labor wars, many taking the form of riots, occurred in the late 19th century. A series of strikes in 1877, and again in the early 1890s, were particularly violent. Hundreds of workers were injured or killed in such labor battles.

Progressive Era Riots: The Rise of the "New Negro" and Black Resistance

Race riots continued during the Progressive era. Attacks on Blacks in Springfield, Ohio (1904); Atlanta, Georgia (1906); Greensburg, Indiana (1906); Springfield, Illinois (1908); East St. Louis, Illinois (1917); Tulsa, Oklahoma (1921); and Rosewood, Florida (1923), to mention just a few, were aimed at striking fear in Black communities. Blacks were often reluctant to respond. They lacked weapons, leadership, cohesion, and communications systems. Beyond that, they knew that resistance invited harsh retaliation. The full force of the law and the criminal justice system would be arrayed against them. If necessary, local police would be reinforced by state militias and federal troops to quell Black resistance—and courts would not be lenient.

There were, however, instances of courageous Black resistance. A 1900 race riot in New Orleans—the "Robert Charles Rebellion"—signaled the beginning of a new era in racial confrontations. On the night of July 24, 1900, three White police officers stopped to question what they considered two suspicious-looking Black males who were sitting on a porch stoop. Robert Charles and Leonard Pierce were merely waiting for a friend, but the police suspected that they might be planning a burglary. The interrogation was brief. When Robert Charles rose, one of the officers struck him with a club. Charles and the officer drew their guns and fired. The officer was shot in the hip. Charles was slightly wounded in the leg but managed to escape.

Charles knew that shooting a White New Orleans police officer was a capital, if not lynching, offense. In essence, he was marked for death. But he was determined not to go peacefully. Charles returned to his rooming house and got his Winchester rifle, along with ammunition. When the police came to arrest him, he shot and killed two officers, including a police captain. Over the next 4 days, Charles eluded the police and thousands of enraged mob members, who were ravaging Black neighborhoods. Charles was finally cornered and killed on July 28, but the carnage and consequences of his 4-day resistance were staggering: Twenty-seven White men had been shot; seven were dead, including four policemen. Robert Charles was a hero to African Americans across the nation—a symbol that they could stand up to White mobs, as well as bigotry and oppression.

Modern Race Riots: Black Resistance and Political Protest

The "Red Summer" of 1919 marked a pivotal turning point in the history of race riots. Chronic poverty, Jim Crow laws, unchecked lynching, police brutality, segregated schools, and overt discrimination in employment, housing, recreation, public transportation, and virtually every other

aspect of society—including restaurants, "colored only" water fountains, even cemeteries—took its toll. In 1919, 25 significant race riots exploded across the United States. The causes and dynamics of each of these race wars were, once again, unique. However, there were two major changes from past conflicts: (1) African Americans met White violence with spirited resistance, and (2) Blacks initiated race riots as a form of protest against White hypocrisy and oppression.

The 1919 Chicago Race Riot was particularly violent. On July 27 a Black boy who had crossed an imaginary "colored only" line in Lake Michigan was, it was reported, stoned by White beachgoers and drowned. Blacks were enraged. Groups of angry Blacks formed across the city. Violence erupted. After 13 days of riots, 38 were dead (23 Blacks and 15 Whites), more than 500 were injured, and 1,000 families, mostly Black, were homeless. This race war—coupled with 1919 riots that followed in Knoxville, Tennessee; Omaha, Nebraska; Elaine, Arkansas; and other cities—stunned Whites and sent a clear message: African Americans would defend their homes and families.

The 1935 Harlem Race Riot reflected the new willingness of African Americans to use collective violence as a tool of political, social, economic, and legal protest. On March 19 a rumor engulfed the city: A Black youth caught shoplifting a knife had been beaten to death. Black citizens—angry over ongoing police brutality, high prices charged by store owners, discrimination in hiring, and the general effects of the Depression—struck back. Two hundred stores were looted, resulting in more than $2 million in damage.

The riots of the 1960s were, however, particularly striking. Starting in the summer of 1964, dozens of race riots occurred in cities across the nation. Black rioters looted stores and burned cars and businesses, striking fear in White neighborhoods. Americans watched Black rioters battle policemen and national guardsmen on television. America's major cities—New York, Los Angeles, Philadelphia, Newark, Chicago, Detroit—were under siege, with rioters chanting "burn, baby, burn." The body count was staggering: Six days of rioting in Los Angeles in 1965 left 34 dead; in 1967, 23 died in Newark and 43 in Detroit. These race wars, coupled with peaceful civil rights protests led by Martin Luther King, Jr., and other moderate Black leaders, called the attention of the world to the plight of African Americans and impact of ongoing American racism.

Since the 1960s, major race riots have become relatively infrequent. The death of an unarmed Black man, Arthur McDuffie, at the hands of police officers in Miami, Florida, in 1979 was an exception. A dozen officers, after savagely beating McDuffie to death, elaborately staged an accident to cover their brutality. When they were acquitted at trial in 1980, the city exploded in violence, with 18 killed and more than $80 million in property damage. A riot erupted in New York City in 1991 after a Black boy was accidentally killed while a Hasidic funeral procession passed by, and it was rumored that an ambulance, staffed by Hasidics, refused to render aid. Similarly, the 1992 acquittal of four Los Angeles police officers who arrested and assaulted Rodney King in 1991 led to a race riot: Fifty-two people were killed, over 2,300 injured, with more than $1 billion in damage.

Many factors have contributed to the decline in American race riots. U.S. Supreme Court decisions have prohibited overt segregation and discrimination in education, employment, housing, voting, and recreation. The number of ardent White racists committed to keeping Blacks in their "proper place" in the social, economic, and political order—the foundation of White lynch mobs and race wars—has, to be sure, greatly diminished. And, African Americans have taken advantage of the demise of overt institutional racism. Police departments in some of the largest American cities, one of the sources of the worst race wars, are now under the control of African American police chiefs; and, many politicians, policemen, prosecutors, and judges are Black.

Americans would, though, be well advised to remember the past and consider the causes, costs, and consequences of race riots. History matters. Race wars—along with Jim Crow laws, lynching, and other forms of calculated overt repression—provide a telling commentary on American society. The battle for African American freedom, equality, and justice has, indeed, been hard-fought and elusive—a painful reminder of our racist past.

Alexander W. Pisciotta

See also Alienation; Chicago Race Riot of 1919; Detroit Race Riot of 1967; Harlem Race Riot of 1935; Los Angeles Race Riot of 1965; Los Angeles Race Riots of 1992; Media Portrayals of African Americans; Miami Riot of 1980; Race Relations; Rosewood, Florida, Race Riot of 1923; Tulsa, Oklahoma, Race Riot of 1921; Zoot Suit Riots

Further Readings

Balbus, I. D. (1973). *The dialectics of legal repression: Black rebels before the American criminal courts*. New York: Russell Sage.

Bernstein, I. (1990). *The New York City draft riots: Their significance for American society and politics in the age of the Civil War*. New York: Oxford University Press.

Jaspin, E. (2007). *Buried in the bitter waters: The hidden history of racial cleansing in America*. New York: Basic Books.

Madigan, T. (2001). *The burning: Massacre, destruction, and the Tulsa Race Riot of 1921*. New York: St. Martin's Press.

Pinkney, A. (1972). *The American way of violence*. New York: Random House.

Rudwick, E. M. (1964). *Race riot at East St. Louis, July 2, 1917*. Carbondale: Southern Illinois University Press.

Rule, J. B. (1988). *Theories of civil violence*. Berkeley: University of California Press.

Tuttle, W. M. (1970). *Race riot: Chicago and the Red Summer of 1919*. New York: Atheneum.

Racial Conflict

Racial conflict is defined as societal controversies related to variances in ethnic, cultural, or national affiliation. Specifically, racial conflict is the result of one dominant culture's control of differing cultures through economics, politics, social policy, and law. In the U.S. juvenile and criminal justice systems, the term *racial conflict* can be used to refer to discriminatory practices by those who work in the juvenile and criminal justice systems against minority persons. Recent literature expanding the racial conflict concern to include U.S. policy, murder as the result of identity internalizations, and merchant–consumer relationships is not discussed here. Instead, this entry examines the literature depicting racial conflict as a systemic and controversial topic in the juvenile and criminal justice systems. In addition, the relationship between racial conflict and a maintained societal ideology is examined.

Historical accounts of violent racial conflict have existed since before the 1800s and up to the present day. Likewise, the relationship between racial conflict, crime, and minority processing has been examined. In addition to its explaining why some people commit crime, racial conflict has also been linked to disparate decision-making practices at both the arrest and the punishment stages for ethnic minorities. Specifically, African American males represent the most prevalent minority group at each of these stages. Empirical findings show that disproportionate minority confinement exists partly as the result of police discretion to arrest. Accordingly, minorities, particularly African Americans, find themselves at a disadvantage in the criminal justice system.

Recent accounts of racial conflict in the criminal justice system came to the fore during the 1992 riots after a verdict of not guilty was returned for the officers involved in the Rodney King incident in Los Angeles, California. More recently, in 2005, racial conflict was linked to the government's response and policies after Hurricane Katrina in New Orleans, Louisiana. Specifically, victims of this natural disaster were outraged at the lack of governmental support and the assignment of the label "refugee" to American survivors in this largely minority populated area. To some, the use of the term *refugee* was symbolic of the perception that the survivors were "outsiders" to begin with. This was seized on by the national media, and the survivors were quickly recast as "evacuees."

Similar to disparities in the adult justice system, minority disparities in the juvenile justice system exist. Specifically, African American youth, similar to their adult counterparts, are disproportionately represented throughout the system. On one hand, criminologists argue that ethnic and racial minorities commit more crimes than their White counterparts and thereby have greater representation in the system. On the other hand, criminologists and sociologists argue that racial conflict in American society acts interchangeably with the law as a method to control minority power. Thus, as a result, disparities are found in arrest, charge, and confinement of African American youth when compared to White youth who commit the same

serious and violent criminal acts. The larger implication here is consistent with the belief that racial conflict is supported and maintained by actors in the juvenile and criminal justice systems.

Theoretical Explanations

Racial conflict in America remains one of the most controversial topics in the literature and continues to be of interest to both sociologists and criminologists in their attempts to explain minority disparities in the juvenile and criminal justice systems. Accordingly, racial conflict has been rooted in ideological, theoretical, and methodological conflicts. The argument that there is a presumed interconnection between crime and minority men, particularly Black men, is prevalent throughout American society. Specifically, the ideological perspective that African American males are a criminal threat continues to be accepted by many in society. Many criminologists argue that the diverse nature of arrest and confinement data is a depiction of racial conflict in the larger society. Accordingly, researchers have concluded that racial conflict is not only a criminal justice concern but also a societal one.

Strain Theory

Most criminological theories incorporate concepts such as strain, social control, and social learning. The primary premise of Robert Merton's strain theory is that social structures, particularly those in the United States, produce strain on some people that may lead to criminal activity. As for its specific relationship to racial conflict, strain theory stipulates that while many ethnic minorities conform to the dominant culture and thus seek legitimate work, others experience blocked opportunities to success by legitimate means and instead resort to crime. As an explanation of juvenile delinquency, strain theorists argue that youth who are rejected, on the basis of their lower-class status, become frustrated, form subcultures, and commit delinquent and criminal acts.

Conflict Theory

Conflict theory explains crime as the result of a power struggle in society where social class differences are the primary source of stability and change in a community. More importantly, the conflict perspective explains that conflict exists between competing interest groups where group dynamics are directly related to crime commission and crime control. Conflict theorists maintain the idea that crime control is used by those with power to regulate any threat to their interests, thereby preserving the existing social structure, through the use of police power, the courts, sentencing, and incarceration. Accordingly, power control legislation continues to be in conflict with minorities who represent a threat to those in power. As a result of this continued conflict, conflict theorists believe that the criminal justice system cannot be impartial but rather exists to impart a form of justice that curries to the powerful by keeping them safe and secure from minorities, who symbolize a threat to their power position. When examining the relationship between racial conflict and minority overrepresentation in the juvenile and criminal justice systems, conflict theorists suggest that the law, policies, and punishment all act as social control tools that the powerful use to keep minority groups "under control."

Societal Perceptions

The relationship between societal perceptions and disparate treatment based on racial conflict has been examined. Findings reveal that racial disparities exist as the result of perceptions, maintained in society and by police, of minorities as criminal. Practices such as racial profiling support the conflict perspective as an explanation for disparate minority treatment in both the juvenile and the criminal justice systems. While racial profiling and disparate sentencing practices have sparked some degree of outrage, criminologists and sociologists stipulate that these issues are only a fragment of the larger pattern of systemic racial conflict in the criminal justice system.

In the literature there appear to be conflicting conclusions regarding the relationship between societal perceptions of racial conflict and minority disparities in the justice systems. Some criminologists have concluded that unequal minority representation in jails and prisons is the result of unfair sentencing practices against racial and

ethnic minorities. Contrarily, others argue that minorities are overrepresented as the result of their offending patterns. Researchers further conclude that as a result of the limits of the measures used to test the veracity of the theory, the racial conflict–crime relationship is not empirically supported.

Racial Conflict and Justice

Research on the relationship between racial conflict and crime commission has examined interracial killings, economic and power competition, and disparities within the criminal justice system. Racial conflict has been linked to delinquent behavior by juveniles and has been linked to school violence, juvenile homicide, gangs, theft, and other serious and violent crimes. One of the more engrossing questions facing criminologists and indeed our nation is whether the two justice systems are impartial. Criminologists have studied the relationship between judicial processes and discrimination, and some evidence suggests that ethnic minorities are overrepresented at arrest and, when compared to White offenders, are punished more severely. Similar results were found in examinations of pretrial processes where racial injustices in jury selection and judge bias against minorities were present.

Whether or not African Americans and other ethnic minorities are overrepresented in the criminal justice system is not a question here, as official data provide a clear depiction of this disparity. The concern here is, however, focused on why racial disparities continue to exist in the juvenile and criminal justice systems. The existence of conflicts between police and racial/ethnic minorities has historically been related to riots that are often the result of racial conflict. Many researchers argue that juvenile and adult processing of ethnic minorities as the result of racial conflict continues and is maintained by the continuous cycle of analyses, recommendations, and inaction that have resulted in ineffective identification and reduction of racial disparities. Contrary to this argument, other researchers point out that racial disparities exist largely as the result of serious and violent offending patterns of ethnic minorities.

Sentencing Practices

In a pioneering study, Baldus and his colleagues (1990) examined the relationship between race and sentencing practices and revealed that minority members who killed Whites were 4 times more likely to receive the death penalty than in cases where their victims were Black or ethnic minorities. Results showed that prosecutors sought the death penalty for 70% of Black defendants with White victims compared to 15% of the time when the victims were Black. This research revealed that the race of the victim and the defendant were significant predictors of receiving the death penalty. Similar results were revealed in a 1995 examination (Baldus & Woodworth, 1998) of race and sentencing practices showing that Blacks and Hispanics were not only more likely than Whites to be sentenced to prison but were more likely to receive longer sentences as well. Official data show racial disparities at various decision points within the juvenile justice system. African American youth are disproportionately represented in arrest, number of cases deferred to court, and detention when compared to both White and other minority groups.

Future Research

The literature is filled with options for reducing racial conflict in the criminal justice system. The argument is made that to effectively address racial conflict, research should be conducted at each stage of processing so as to increase the level of accountability of officials and agencies within jurisdictions where racial disparities continue to exist. Others stipulate that researchers must identify the problem, change and create policies that effectively address the real concerns, and implement and fund programs dependent upon evaluative measures.

At the theoretical level, many criminologists recognize that extensive changes within both the juvenile and the criminal justice systems are needed to address prejudices in the system that exist as the result of policies and practices. Hence, the argument of racial conflict and discrimination in the criminal justice system remains unresolved. Conflict theorists believe racial conflict is the reason for minority differences in criminal and even juvenile

justice processing. Even so, differing arguments are presented stipulating that the empirical nature of racism is not measurable and thus is questionable. While there are two dominant opinions, it remains evident that many researchers hold the view that racial disparities as the result of racial conflict continue to exist and should be addressed in juvenile and criminal justice processing.

Tiffiney Y. Barfield-Cottledge and Alfonzo Greenidge

See also Colonial Model; Conflict Theory; Disproportionate Arrests; Minority Group Threat; Race Relations; Race Riots

Further Readings

Akers, R. L., & Sellers, C. S. (2004). *Criminological theories: Introduction and evaluation* (4th ed.). Los Angeles: Roxbury.

Baldus, D., & Woodworth, G. (1998). Race, discrimination and the death penalty in the post Furman era: An empirical and legal overview, with recent findings from Philadelphia. *Cornell Law Review*, *83*, 1638–1770.

Baldus, D. C., Woodworth, G., & Pulaski, C. A. (1990). *Equal justice and the death penalty: A legal and empirical analysis*. Boston: Northeastern University Press.

Chiricos, T., Welch, K., & Gertz, M. (2000). Racial typification of crime and support for punitive measures. *Criminology*, *42*, 359–390.

Hagan, J., Shedd, C., & Payne, M. (2005). Race, ethnicity and youth perceptions of criminal injustice. *American Sociological Review*, *70*, 381–407.

Mann, C. M. (1993). *Unequal justice: A question of color*. Bloomington: Indiana University Press.

Nellis, N., Greene, J., & Mauer, M. (2008). *Reducing racial disparity in the criminal justice system: A manual for practitioners and policymakers* (2nd ed.). Retrieved from The Sentencing Project: http://www.sentencingproject.org/Admin/Documents/publications/rd_reducingracialdisparity.pdf

Snyder, H. N., & Sickmund, M. (2006). *Juvenile offenders and victims: A national report*. Retrieved from Office of Juvenile Justice and Delinquency Prevention: http://ojjdp.ncjrs.org/ojstatbb/nr2006

Spohn, C. C. (2002). *How do judges decide? The search for fairness and justice in punishment*. Thousand Oaks, CA: Sage.

Walker, S., Spohn, C., & DeLone, M. (2004). *The color of justice: Race, ethnicity, and crime in America* (3rd ed.). Belmont, CA: Wadsworth/Thomson Learning.

Zatz, M. (2000). The convergence of race, ethnicity, gender and class on court decision-making: Looking toward the 21st century. In J. Horney (Ed.), *Criminal justice: Vol 3. Policies, processes, and decisions of the criminal justice system* (pp. 503–552). Washington, DC: National Institute of Justice.

Racial Hoax

A racial hoax is a false accusation of criminal victimization that is contingent on the race of a fictitious perpetrator. Typically, these lies are used to direct attention away from the individual making the accusation, who is often the actual criminal offender. Race is a central factor in these stories, because the stories are generally created by individuals attempting to increase the credibility of their allegations by capitalizing on the fears, stereotypes, and assumptions about those of another race. Although racial hoaxes may be created by individuals of any race against individuals of any other race, it is most often the case that Blacks are the victims of racial hoaxes perpetrated by White accusers. The racialization of crime in America has increased the likelihood that racial hoaxes will continue to proliferate, unquestioned by criminal justice authorities, and serve as further justification for the questionable practices of racial profiling and DNA sweeps.

The racial typification of crime and the criminal typification of race have enabled many racial hoaxes to go unchallenged precisely because the accusations make sense in light of public fears and stereotypes. Though some racial hoaxes are revealed to be fraudulent within a relatively short time, many nevertheless tend to be so compelling because much of the public has come to associate crime with Blacks and Blacks with crime. Phenomena like the actual and perceived involvement of Blacks in crime, the well-known War on Drugs that has disproportionately targeted Blacks, particularly harsh punishments for minority offenders, and the criminal images of Blacks portrayed in various media have all reinforced this linkage. Therefore, the phenomenon of Black

typification of crime must exist at some level in order for the racial hoax to be at all compelling.

The scope of fabricated victimizations has been wide and has ranged from accusations about routine ordinance violations to rape and murder. Some of the more notable examples of racial hoaxes during the past several years have misled law enforcement investigations and public searches for imaginary Black offenders and have elicited a significant amount of media coverage. Criminological research conducted by Katheryn Russell indicates that there were 67 incidents of racial hoaxes between the years 1987 and 1996, although not all received equal media coverage. The incident that probably received the greatest amount of attention is the 1994 South Carolina case in which Susan Smith killed her two children. To misdirect the investigation, Smith reported to emergency operators, as well as both state and federal law enforcement authorities, that she had been the victim of a carjacker who was a young, Black male while her sons were in the car. This outraged the community and elicited widespread concern and offers of assistance. It was not until a couple of weeks after the event that Smith admitted to having murdered her own children by drowning them in her vehicle. No third party of *any race* had been involved.

Other memorable hoaxes that involved White accusers and fictional Black criminals include the case of Robert Harris, who hired a hit man to shoot and kill his fiancée but claimed that the perpetrator was an armed Black man in camouflage; Jesse Anderson, who reported to the police that two Black men stabbed him and his wife, resulting in her death, only to have investigators discover later that Anderson had killed her and then tried to make it seem as though he, too, had been attacked; and a female student at George Washington University, who claimed to have been raped on a college campus by two young Black men but later admitted that she had made up the story to heighten rape awareness among the student body. In all of these instances of individuals using a racial hoax, there is no apparent reason to have identified the suspect as Black except to exploit society's fears and anxieties about a racialized criminal type in hopes of strengthening their own story.

The use of the racial hoax takes advantage of preexisting ideas about young Black males' involvement with crime, but it also serves to propagate it by further providing violent and threatening examples of unknown threatening Black criminals. These hoaxes, then, actually reinforce the stereotypes and anxieties that they draw upon in the first place. The more the racial hoax is used, by accusing fictitious Blacks of committing falsified crimes, the more the racial typification of crime is solidified in the public psyche and the more likely it is that subsequent racial hoaxes will go unquestioned.

It is not surprising that the use of this red herring by those seeking to validate their false reports has had a direct and consequential impact on the Black community as a whole as well as the hoax victims themselves. One such effect may be the tendency for Blacks to protect one another, even in cases where they may actually be blameworthy, as described by Katheryn Russell-Brown. However, it should be noted that there have been a limited number of incidents of racial hoaxes perpetrated by minorities against Whites. In these cases, though, it seems that the motive is entirely different. Instead of playing upon public fears in order to obscure the truth, when Whites are the victims of racial hoaxes, it tends to be so that the accuser can claim to have been a victim of a hate crime and, thus, fuel their greatest concerns about Whites. These hoaxes have been referred to as hate crime hoaxes to differentiate their objectives. Regardless of who it is that formulates a racial hoax or the race of the falsified offender, it seems that the hoaxes are usually not successful for long. In the meantime, the temporary efficacy of using a racial hoax to mislead the public has capitalized on and strengthened views about race and crime.

Kelly Welch

See also Criminalblackman; Fear of Crime; Hate Crimes; Profiling, Racial: Historical and Contemporary Perspectives; Racialization of Crime

Further Readings

Hall, S. (2003). The whites of their eyes: Racist ideologies and the media. In G. Dines & J. M. Humez (Eds.), *Gender, race, and class in media* (2nd ed., pp. 89–93). Thousand Oaks, CA: Sage.

Russell, K. K. (1998). *The color of crime: Racial hoaxes, White fear, Black protectionism, police harassment, and other macroaggressions*. New York: New York University Press.

Russell, K. K. (2002). The racial hoax as crime: The law as affirmation. In S. Gabbidon, H. T. Greene, & V. D. Young (Eds.), *African American classics in criminology and criminal justice* (pp. 351–376). Thousand Oaks, CA: Sage.

Russell-Brown, K. K. (2006). *Protecting our own: Race, crime, and African Americans*. Lanham, MD: Rowman & Littlefield.

Racialization of Crime

For a variety of reasons, the association of race with crime and crime according to race has been an enduring feature of American culture. In fact, race-based assumptions about crime have become so ingrained in public consciousness that the racial identity of suspects need not be mentioned in order for race to be conjured along with crime. This is particularly true for African Americans, whose race seems to be the most closely related to crime in the minds of many Americans. The development of this inextricable linkage between race and crime is referred to as the racialization of crime and has influenced attitudes about crime among the public and functioned as a subtle rationale for both official and unofficial policies and practices that perpetuate differential treatment by criminal justice officials. Factors contributing to the racialization of crime for Blacks have included actual and perceived participation in crime, the 1980s War on Drugs, disproportionate involvement in the criminal justice system, and media portrayals of criminality.

Although the racialization of crime has had some effect on individuals of various races, the prevalent representation of criminality in American culture is that crimes are committed overwhelmingly by young Black men. The familiarity of much of the public with the image of young Black men as violent or predatory street criminals is reinforced by common depictions everywhere. These portrayals of crime as disproportionately attributable to Blacks are not a completely new phenomenon, however. Historical analysis of evolving perceptions of race from the time of slavery to the present suggests that Whites have long viewed criminal behavior as an inherent characteristic of Blacks. Following the civil rights movement, the perceived connection between Blacks and crime took hold of the public imagination, and the popular stereotype of the young Black man evolved from a thief or rapist into that of an ominous violent gangster or criminal predator.

Today the racialization of crime has intensified in such a way that many believe Blacks are even more threatening than at any other time in U.S. history. It is the near inability to distinguish between criminality and Blacks that prompted Katheryn Russell's coining of the term *criminal-blackman* in reference to the modern image of criminals as Black. Similarly, Jerome Miller, the former executive director and founder of the National Center on Institutions and Alternatives, has argued that crime is a "code" word that inherently implies race. Some research has suggested that it is the racial typification of crime and the ability to talk about race in code that allows for increasingly punitive crime control policies that promote "getting tough" on crime.

Actual and Perceived Criminality

One might assume that the primary factor responsible for the formation of the racialization of crime is the *actual number* of Blacks represented in crime arrest and conviction statistics. We would also expect that if Blacks are disproportionately involved in criminal activity and, therefore, overrepresented among criminals convicted by the criminal court system, they would be *perceived* as being more involved in crime and criminal justice measures than others. Indeed, there is substantial research, from the United States and other countries, showing the prevalence of the belief that Blacks commit most crime, corroborating the racialization of crime. Of course, data show that it is Whites who actually compose the greatest percentage of criminals and convicts in the United States, contradicting this common perception that crime is perpetrated mostly by Blacks. However, statistics do indicate that Blacks are involved in crime at percentages greater than their representation among the general public, although they are still outnumbered by White offenders. It is possible that crime committed by Blacks may be especially salient not only because it exceeds what would be expected based on the racial composition of the

country, but also because the crimes that tend to be most fearsome are the ones that are most disproportionately perpetrated by Black men.

Additional influences may also increase the perception that Blacks are more criminal than individuals of other races. The use of racial hoaxes, which are fabricated accusations about criminal victimizations in which the race of the supposed offender is central to obscuring the truth about the false allegations, is dependent upon the racialization of crime. But racial hoaxes also perpetuate the perception that most—and the most fearsome—crimes are committed by Blacks, as it is most often the case that Whites are responsible for racial hoaxes in which the fictitious perpetrators are Black. These allegations exploit preexisting racial stereotypes and race-based anxieties of the public to increase the credibility of the crime reports, but they also reinforce the racialization of crime.

The law enforcement practice of racial profiling may have a similar effect on the racialization of crime. Police officials may justify racial profiling on the grounds that there is disproportional involvement of members of a particular race in certain types of crime. However, an unintended consequence of doing this may be that authorities actually uncover more criminality, not because it is more prevalent among minorities but because their offenses are being discovered more often as a result of the profiling.

War on Drugs

The War on Drugs of the 1980s is another factor that has contributed to the racialization of crime. Its influence on Blacks in particular—a phenomenon generally attributed to strict crack cocaine laws that target impoverished minorities who are less likely to afford drugs favored by the affluent (which also happen to be accompanied by only minor penalties)—has been so striking that some suggest that it may be more appropriately termed a war on Blacks or a war on Black drug use. Studies indicate that the War on Drugs has been harder on Blacks than on Whites. Blacks are overrepresented among those who are processed through the criminal justice system directly because of the War on Drugs, and as a result they are frequently depicted as the principal source of the U.S. drug problem. The consequence of this is that many have come to associate Blacks with illegal drug use and illegal drug use with Blacks.

The racialization of criminal drug crime may not make sense based on the fact that national surveys indicate most racial and ethnic groups consume illegal drugs at rates that approximate their percentage of the general population. However, when conviction and incarceration statistics are reviewed, Blacks consistently account for well over 50% of the nation's drug prisoners. This finding reveals the extreme disparity manifest in the national crackdown on the drug problem. It is not merely racial profiling that has resulted in these surprising statistics, but the heavier criminal sanctions attached to the drugs sold and used more often by Blacks. So, while minorities and Whites commit drug offenses at equivalent levels, the policies of the War on Drugs itself are responsible for strengthening the racialization of crime.

Race and Punishment

Racial differences that may exist at the level of actual criminal behavior are clearly amplified by differences in criminal justice punishment. It is widely recognized that at any given time, a disproportionate number of Blacks are under some form of correctional control. Research on the treatment of defendants in court proceedings shows that part of this discrepancy is sometimes a consequence of prosecutors capitalizing on and perpetuating racial stereotypes, by characterizing Blacks as particularly prone to violent crime, in order to achieve higher conviction rates. Studies on race and sentencing have shown that young Black males are sentenced more severely than members of other racial or ethnic groups and that they serve more time than their White counterparts who are similarly charged. The disparity in convictions, sentences, and punishments applied to Blacks may corroborate the common notion among the public that being Black equates with criminality, which perpetuates the racialization of crime.

Race and Crime in the Media

The media provide readily accessible depictions of criminality, which may help to shape perceptions

about crime. Because media also presumably have the power to help construct the meaning of race in U.S. society, it is apparent that they play a major role in the racialization of crime. Research aimed at examining the racial content of television news found that there is a disproportionate amount of the media coverage devoted to violent crimes for which Black males are more likely than others to be arrested, thus reinforcing the idea that race and crime are closely connected. But, in addition to finding that Blacks are more *often* shown as criminals in the news, they are also more likely to appear as criminally threatening when they are portrayed. Therefore, the message conveyed is that Blacks are not only more criminal than Whites but that their offenses are more fearsome.

Those who have greater access to the media, such as politicians and government leaders, also frequently link race and crime, strengthening the racialization of crime. The "racial politics" conveyed by media has been employed to garner constituent support at various points in U.S. history, including the 1960s when there was widespread concern about Blacks and the intensifying civil rights movement. The "get tough" advertising rhetoric of both conservative and liberal politicians serves to elevate partisan popularity and frequently manipulates public fear and indignation by conjuring fright-inducing images of minority criminals.

It is possible that celebrities in the media have contributed to the racialization of crime in their own way. Some suggest that the media focus on Black athletes accused of committing crimes is serving to reinforce the perception that Blacks are more crime-prone than criminals of other races. Depictions by the media of Black men as rapists and murderers are well documented by scholars interested in film and rap music, as well. In fact, there are several recent examples of Black men in the entertainment industry who have been subject to criminal allegations, which may have also strengthened the association that many make between race and crime.

Conclusion

Many factors have contributed to the racialization of crime, by solidifying the relationship in the minds of Americans between racial minorities—especially Blacks—and crime. The actual involvement of Blacks in crime, especially crack cocaine violations and violent offenses, is certainly one source of this phenomenon. But perhaps even more influential are perceptions about participation in crime, which are often fueled by racial hoaxes and racial profiling. The disproportionate number of Blacks arrested, convicted, sentenced, and punished by the criminal justice system suggests that there is an inextricable association between race and crime. And, finally, media perpetuate the racialization of crime by depicting Black offenders with greater frequency and with a more menacing demeanor than Whites. Moreover, the media capture politicians, government officials, and celebrities who often convey the idea that crime is a race-related problem.

Kelly Welch

See also Criminalblackman; Discrimination–Disparity Continuum; Disproportionate Arrests; Disproportionate Incarceration; Fear of Crime; Media Portrayals of African Americans; Minority Group Threat; Profiling, Racial: Historical and Contemporary Perspectives; War on Drugs

Further Readings

Chiricos, T., Welch, K., & Gertz, M. (2004). The racial typification of crime and support for punitive measures. *Criminology*, *42*, 359–389.

Hawkins, D. F. (1995). Ethnicity, race and crime: A review of selected studies. In D. Hawkins (Ed.), *Ethnicity, race and crime: Perspectives across time and place*. Albany: State University of New York Press.

Henry, F. (1996). Perceptions of race and crime in Ontario: Empirical evidence from Toronto and Durham region. *Canadian Journal of Criminology*, *38*, 469–476.

Kennedy, R. (1997). *Race, crime and the law*. New York: Vintage Books.

Mauer, M. (1999). *Race to incarcerate*. New York: The New Press.

Miller, J. (1992). *Hobbling a generation II: Young African American males in the criminal justice system of America's cities: Baltimore, Maryland* (NCIA report). Washington, DC: National Center on Institutions and Alternatives.

Miller, J. (1996). *Search and destroy: African-American males in the criminal justice system*. Cambridge, UK: Cambridge University Press.

Russell, K. K. (1998). *The color of crime*. New York: New York University Press.
Steffensmeier, D., Ulmer, J., & Kramer, J. (1998). The interaction of race, gender, and age in criminal sentencing: The punishment cost of being young, Black, and male. *Criminology*, *36*, 763–797.
Tonry, M. (1995). *Malign neglect*. New York: Oxford University Press.
Wilson, W. J. (1987). *The truly disadvantaged*. Chicago: University of Chicago Press.

Racial Justice Act

The Racial Justice Act was a proposed federal bill that sought to reform the operation of the death penalty. The act would have required prosecutors to explain apparent racial disparities in the imposition of death sentences. The idea is traceable to *McCleskey v. Kemp*, a 1987 U.S. Supreme Court decision that rejected a constitutional challenge to racial disparities in Georgia's capital punishment system.

In *McCleskey*, lawyers for an African American sentenced to death relied on two sophisticated statistical studies that examined over 2,000 murder cases in Georgia during the 1970s to allege that Georgia's capital punishment system was unconstitutional. The studies indicated that in a midrange of capital prosecutions, the race of the victim and the race of the defendant were determinative of who received the death sentence. Stated most bluntly, in this midrange, Black murderers of Whites were more likely sentenced to death than any other defendant–victim combination.

Notwithstanding the studies, the Court ruled that McCleskey failed to establish a constitutional violation. According to the Court, the studies only showed a discrepancy in the imposition of death sentences that appeared to correlate with race. McCleskey's claim, the Court wrote, if taken to its logical conclusion could undermine the criminal litigation process, as defendants, supported by a statistical study, could challenge as arbitrary any sentence they received. Finally, the Court suggested that reform efforts were best directed to the legislatures.

In 1988, members of Congress took the Court's advice and submitted legislation to enact a Racial Justice Act, designed to overturn *McCleskey*. The bill was to create a federal statutory prohibition against carrying out any execution if the death sentence "was imposed based on race." According to the bill, an inference that race was the basis for the death sentence was established if the defendant presented evidence demonstrating that when sentenced, race was a statistically significant factor in the decision to seek or impose the death sentence within the jurisdiction. The evidence had to establish that in the jurisdiction, death sentences were imposed significantly more frequently on persons of one race than on persons of another race or as punishment for capital offenses against persons of one race in comparison to persons of another race. The evidence had to take into account the statutory aggravating factors of the crime and include comparisons of similar cases involving persons of different races. Once the inference that race was the basis for a death sentence arose, the execution could not occur unless the prosecution rebutted the inference. The inference could only be rebutted by showing that the death penalty was sought in all cases meeting the statutory criteria for imposing the death penalty. Finally, no person was barred from raising the issue because he or she failed to raise the issue before the law was enacted or due to any previous adjudication before the enactment of the law.

The bill was not enacted. Reintroduced during the next Congress, the act passed the House of Representatives but was set aside in conference with the Senate; consequently, the Crime Control Act of 1990 contained no death penalty provisions. In 1991, the House rejected the act. In 1994, an act with a similar goal, the Fairness in Death Sentencing Act, was passed by the House and set aside in conference with the Senate, resulting in the 1994 Crime Control and Law Enforcement Act not including the measure.

Though the act has a noble goal, its language—as reflected in the 1994 version—is imprecise. The Racial Justice Act establishes nearly an improbable goal of ferreting out death sentences imposed based on the defendant's race. Rarely will there be direct evidence of racial animus. When that evidence exists, the sentence would ordinarily be invalid under the Fourteenth Amendment. The act does not address unconscious racism and the many different ways that racially infected decisions may lead to a defendant facing a death sentence. For instance, studies show that African Americans receive harsher

sentences than members of other races for the same criminal activity. Thus, a previous conviction for a violent crime, which might be used as an aggravating factor justifying a death sentence, could itself be the product of decisions based on race.

The Racial Justice Act is vague on which races are to be compared in making the assessment. This could lead to every conceivable racial group being compared with each other. Not only could this lead to racial group accounting, the act does not define the critical requirement that race is a statistically significant factor in the decision to seek or impose a death sentence. Thus, after the racial group comparisons occur, the question becomes when is a variation sufficiently significant to raise the inference of racial discrimination? A perverse consequence of the act might be to encourage prosecutors to seek the death penalty more frequently. By doing so, the state would preemptively rebut an inference that the prosecutor's office sought the death penalty in a racially discriminatory manner. Further, the act does not separate out prosecutorial discretion from sentencing discretion. Nor does the act require the sentencer—whether the judge or jury—to explain why it imposed the death sentence.

In 1998 Kentucky became the first state to enact a Racial Justice Act. A few other states, like Georgia, North Carolina, and Tennessee, have had similar legislation proposed. Kentucky's law provides that a capital defendant may allege and submit evidence supporting a claim that the prosecutor is seeking the death penalty on the basis of race. The evidence, which may consist of statistical information, must show that racial considerations played a significant part in the prosecution's decision to seek death, including, for instance, that a death sentence is sought significantly more frequently either upon persons of one race than of another race or as punishment for capital offenses against persons of one race in comparison to persons of another race. The defendant has to establish the claim by clear and convincing evidence. The prosecution is provided with an opportunity to rebut the claims and the evidence. If the court finds in the defendant's favor, it must order that a death sentence cannot be sought in the case. There are no reported cases in which a Kentucky capital defendant prevailed on a Racial Justice Act claim.

Critics of the Racial Justice Act claim that it was an indirect effort to abolish the death penalty. The essence of their claim is that imposing rigorous statistical review of capital sentences will inevitably result in the reversal of many death sentences because verbal non–race-based explanations of charging decisions will usually not be convincing in the face of the statistics. Kentucky's limited experience with a Racial Justice Act has neither proven nor debunked this reasoning.

Dwight Aarons

See also Baldus Study; Death Penalty; *McCleskey v. Kemp*

Further Readings

Arnold, J. R. (2005). Race and the death penalty after *McCleskey*: A case study of Kentucky's Racial Justice Act. *Washington & Lee Journal of Civil Rights & Social Justice*, *12*, 93–107.

Baldus, D., Woodworth, G., & Pulaski, C. A., Jr. (1994). Reflections on the "inevitability" of racial discrimination in capital sentencing and the "impossibility" of its prevention, detection, and correction. *Washington & Lee Law Review*, *51*, 359–430.

Edwards, D., & Conyers, J., Jr. (1994). The Racial Justice Act—A simple matter of justice. *University of Dayton Law Review*, *20*, 699–713.

Lungren, D. E., & Krotoski, M. L. (1994). The Racial Justice Act of 1994—Undermining enforcement of the death penalty without promoting racial justice. *University of Dayton Law Review*, *20*, 655–697.

McCleskey v. Kemp, 481 U.S. 279 (1987).

Racism

Racism is an excusatory and justificatory tendency existing in all multiethnic societies in which one or more cultures are subordinated (marginalized) by another culture predicated on race. Evidence of the phenomenon manifests in social and civic institutions such as government-sanctioned racial segregation in the United States prior to court rulings and the passing of congressional laws, beginning in the 1950s removing de facto (factual occurrence) as well as de jure (lawful occurrence) government support for it. Racism in the United States, though lacking

legal means of expression, continues to be shared by individuals within private and public organizations. This entry will discuss racism as a discursive construct and its functions and implications.

Racism is a learned hegemonic attribute of dominant culture. The tendency is constructed, passed, and preserved through language. The language sets apart one culture from another in terms of ethnicity predicated on genetic differences which register often in physical appearance such as skin pigmentations, countenance, and stature. The discourse derives from historical legacy and/or attempts by members of the dominant culture to protect themselves from perceived threats or challenges. In the first instance, the discourse of American racism opposing African Americans has a trajectory to the discourse from legal documents and popular media of the period which formed and recycled the national consciousness of the time. Such documents include U.S. Supreme Court interpretations of law. For instance, the 1857 U.S. Supreme Court's *Dred Scott* decision stated that Blacks could not claim any rights or protections promised by the Constitution. In 1896, after passage of the antislavery amendments, the Court ruled in *Plessy v. Ferguson* that social discrimination based on color, designed to prevent the commingling of races, was legal. An example of historic discourse from popular mainstream media is the 1943 Warner Brother's cartoon short, *Coal Black and de Sebben Dwarfs* caricaturing the 1937 Walt Disney animated production, *Snow White and the Seven Dwarfs*. The humor of the film drew from existing exaggerated racial perceptions of African Americans by the dominant culture. The film was thought innocuous when released to the general public. However, at the time of its release, the general movie audience was predominately Caucasian due to the social segregation of the 1896 *Plessy* decision. Blacks were not permitted to attend theaters operated and attended by Whites.

Racism also emerges as a defense to a real or imagined threat or challenge. Competition for lands and resources from European settlements and expansions of North American territories held by Native Americans led to perceptions of their nations and tribes as one rubric—*Indian*—and denigrated their members with slang terms such as *savages* and *redskins*. These perceptions were recycled into contemporary culture by popular media, including 19th-century Dime Novels, also known as *Penny Dreadfuls*, which sensationalized fictional western and frontier experiences at the expense of Native Americans.

More recently, with heightened anxiety concerning terrorist actions in the aftermath of the 2001 attacks on the World Trade Center and Pentagon and the subsequent military actions in Afghanistan and Iraq, U.S. citizens of Middle Eastern descent or those thought to be, have been subjected to more suspicion and have become the focus of more prejudicial language than other individuals of perceived non-European ancestry. Racist discourse has also emerged against Hispanics because of the fear of the loss of American jobs. Both Hispanic and African American ethnicities have been villainized in the wake of perceived escalating drug use, violence, and crime.

The forms of the discourse resonate in cultural legend narratives (stories repeated over time until achieving an unquestioned validity), anecdotes (derogatory statements disguised as humor), and defamatory expressions (slang), which distort and magnify the unacceptability of behaviors, attitudes, and values purportedly held by differing ethnic groups. This discourse serves to construct a reality in which the superiority of the dominant culture is assumed to be innate or hereditary, reinforcing that culture's worth and its members as participants, beneficiaries of resources and rewards through comparisons with other culture(s). Likewise, the discourse defines other culture(s) as inferior, relegating them as naturally deserving of only the resources and rewards willingly relinquished by their superiors and assigned to them. Such discourse serves to preserve the authority of the members of the dominant culture while marginalizing the other culture(s) and minimizing if not discounting the value of members. For example, racism has marginalized Native Americans to the point of invisibility for many members of the dominant culture. At the extreme, the discourse constructs the marginalized cultures, by their very existence, as a threat to the sustainability of the established order. Racism in the United States places African Americans, Hispanics, and individuals of Arab descent in this position.

Racism provides an excuse for the dominant culture's view and subsequent treatment of the marginalized cultures. First, members of the dominant culture, informed by the legacy of

racism, may construct racial stereotypes of outside members. From this schema, or interpretive framework, individuals are excused to make certain judgments. Individuals of Arab descent may be viewed as potential terrorists, African Americans as more inclined to be involved in robbery and sexual assault, and Hispanics as undocumented or illegal aliens. In this context, some law enforcement officials operating from the schema may have the tendency to use racial profiling as a preemptive strategy for crime prevention or post hoc as a means to discover perpetrators during the investigation of crimes. These assumptions also serve to excuse harsher sentencing for members of marginalized cultures by the dominant one.

Marginalized cultures find excuse, as well, for criminal actions in their perceived victimization by racism. Members of these cultures may believe that civil and criminal disobedience is justified as a restorative function in a society in which their members have been deprived of resources. Furthermore, because of the process of marginalization, individuals from these cultures may, through historic segregation from the mainstream and/or suspicions resulting in the loss of educational and employment opportunities and adequate living conditions, have a sense of hopelessness and may see crime as an attractive if not the only available choice to escape their plight. Perceptions of both the dominant and marginalized cultures tend to be self-perpetuating and, as such, provide justification for continuing the cycle of racism.

Ralph A. Hamlett

See also Chinese Exclusion Act; Discrimination–Disparity Continuum; Institutional Racism; Japanese Internment; Minority Group Threat; Native American Massacres; Profiling, Racial: Historical and Contemporary Perspectives; Victimization, African American; Victimization, Asian American; Victimization, Latina/o; Victimization, Native American; White Privilege

Further Readings

Cole, D. (1999). *No equal justice: Race and class in the American justice system*. New York: The New Press.

Ellison, C. G., & Martin, W. A. (Eds.). (1999). *Race and ethnic relations in the United States: Readings for the 21st century*. Los Angeles: Roxbury.

Mann, C. R., Zatz, M. S., & Rodriguez, N. (Eds.). (2006). *Images of color, images of crime: Readings* (3rd ed.). Los Angeles: Roxbury.

Plessy v. Ferguson, 153 U.S. 537 (1896).

Scott v. Sandford, 60 U.S. 393 (1857).

Rampart Investigation

There have been many corruption scandals in police agencies across the United States. The Rampart Division scandal in 1999, involving officers from the Los Angeles Police Department, is perhaps one of the worst. More than 70 officers were implicated in misconduct, including unprovoked beatings and shootings, planting and covering up evidence, stealing and dealing drugs, and perjury. The officers involved in the Rampart corruption scandal were driven by power, racism, and greed. The City of Los Angeles faced more than 140 civil lawsuits with an estimated settlement cost of $125 million. Consequently, more than 100 cases have been overturned and many more are tainted.

The Rampart Division of the Los Angeles Police Department is located west of downtown Los Angeles. It is the most populous area of Los Angeles, consisting chiefly of a large Latina/o population. This division is one of the busiest for the police in terms of calls for service and criminal activity. In the late 1970s and 1980s this area experienced an increase in violent crime, particularly crime involving gangs, drugs, and weapons. To combat the rising violent gang crime, the department, headed by Chief Daryl Gates, created a group of elite antigang units called CRASH (Community Resources Against Street Hoodlums). According to former Chief Gates, the type of officers selected for these units were those who were not afraid to talk to gang members. He wanted officers who were willing to go out and mix with gang members in order to gather intelligence and use it to prevent violent crime.

According to some, CRASH was very successful in reducing crime. CRASH officers were gratified because they were no longer tied to the radio (handling calls for service), and they no longer had to wear uniforms. CRASH developed a culture of its own, in which officers began dressing like gang members and mimicking them. They had a reputation

among Los Angeles street gangs as being tough and promoting violence. The temptation of corruption became too much for some officers to resist, and they soon began stealing and selling drugs. Many officers went "native," which is a term often used when a police officer loses focus on the law enforcement goal and begins to live the life of a gangster or drug user or dealer.

The corrupt and illegal behavior continued for several years until Officer Rafael Perez was caught stealing 8 pounds of cocaine valued at more than $1 million from a police evidence locker in 1998. As a part of a plea agreement for a reduced sentence, Officer Perez agreed to cooperate with investigators and provided information on more than 70 officers, including police supervisors who committed corrupt acts or allowed them to occur.

Perez testified in court that CRASH officers essentially became a gang. They wore skull tattoos with cowboy hats and poker cards portraying the dead man's hand of aces and eights. Officers also mimicked the dress and behavior of gang members. Besides the typical economic corruption, such as the theft of money and drugs, Perez described some of the horrific actions that police officers in the CRASH unit committed. Some of the more chilling events involved officers murdering or attempting to murder innocent people and planting weapons on them to cover up the crimes. One of the more disturbing crimes occurred when officers shot a man named Juan Saldana while he was running in an apartment hallway. Saldana fell to the floor and the officers planted a gun on him to justify the shooting. Officers then fabricated a cover-up story while Saldana bled to death. Other innocent victims were paralyzed or served time in prison on trumped-up charges.

Perez also described the culture of the CRASH units. Officers routinely gathered at a bar and celebrated the shootings. Supervisors (including at least one lieutenant) who participated or supported the CRASH officers routinely distributed plaques to officers who committed the shootings. It was more prestigious to murder people than wound them. As such, the plaques depicted playing cards: black for murder and red for wounding a person.

Officers were able to operate undetected because they insulated themselves from "by the book" officers and supervisors. For an officer to become a CRASH member, he or she needed to have a CRASH member as a sponsor. Even after being selected, a new member's behavior was monitored to make sure that he or she was not a snitch. There were also tests of planting weapons in which new members had to participate in order to show their loyalty to the CRASH unit. It became a well-known fact that many officers who worked in the Rampart Division were corrupt. Law-abiding officers transferred out of Rampart and corrupt officers requested transfers into Rampart. Little was done to curb the corruption because the units were reducing crime in the area. Because of Perez's cooperation with investigators, he was sentenced to 5 years in prison and received immunity from further prosecution. He was released from prison in July 2001.

The racial/ethnic implications of these events are evident. The victims of the police killings and woundings, and those who were routinely arrested on fabricated evidence and charges, were young, poor, working-class, immigrant African Americans or Latinos. These minorities consistently felt victimized by the police. Racial tensions were already running high between citizens and police because of the 1991 Rodney King beating by several Los Angeles police officers. Following this incident, three of the officers were acquitted by a jury in 1992; the acquittal sparked 4 days of violent riots in Los Angeles.

The Rampart corruption scandal culminated with an investigation of the division by Chief Bernard Parks. The report blamed a lack of managerial oversight and a failure to properly review reports as the primary causes of the Rampart corruption. Policy recommendations called for an increase in the number of internal affairs officers and the increased use of the polygraph during the hiring process in order to weed out corrupt applicants. During the entire investigation, there was no mention of race/ethnicity as a factor contributing to the corruption.

Todd E. Bricker

See also King, Rodney; Los Angeles Race Riots of 1992; Police Corruption

Further Readings

Knowland, D., & Nebbia, G. (2000, March). *The Los Angeles police scandal and its social roots* (4 Parts). Retrieved from http://www.wsws.org/articles/2000/mar2000/lapd-m13.shtml

Reese, R. (2003). *The multiple causes of the LAPD Rampart scandal*. Retrieved from http://www.csupomona.edu/~jis/2003/Reese.pdf

Sullivan, R. (2003). *Labyrinth*. New York: Grove Press.

RASTAFARIANS

A millenarian movement of Afrocentric Black Jamaicans deriving their tag, "Rastafari," directly from their deity, Emperor Haile Selassie I (*Ras* meaning duke or head combined with the emperor's precoronation name Tafari Makonnen), Rastas emerged from the Jamaican working classes in the 1930s. The group mirrors a number of African diasporic separatists in the western hemisphere, the most notable being Marcus Garvey's United Negro Improvement Association, the Afro-Athlican Constructive Church, the Moorish Science Temple, and the Nation of Islam of the United States, which were organized at roughly the same time. Rastafarians were by far the most successful in terms of longevity and influence on their home turf.

Representing approximately one of every nine Jamaicans today, they are a considerable political force on their home island and have had a cultural impact on the arts and cuisine of the Caribbean and West African regions. Haile Selassie I of Ethiopia was the living God for Rastafarians, an earthly deity tracing his ancestry to Solomon of Israel and Queen Sheba, supported by the Old Testament sources and the Book of Revelations in the New Testament. Most prominent among the range of decentralized belief systems held by "righteous" Rastas are the adherence to an ideal world (Zion); disdain for the forces of oppression (Babylon), most often a euphemism for Anglo-American nations and White people in general; and beliefs about cleanliness, mysticism-magic, dreadlocks, and the racial solidarity of Africans. The Rastas have dietary laws similar to kosher guidelines, which provide for "ital" food (*ital* is a variation on "vital").

A milestone in Rastafarianism was the visit to Jamaica of Emperor Haile Selassie I in April 1966, which eased the political repression brought by conservatives in the island government and served to mainstream the Rasta faith in the West. In a wider sense, the Rasta look and sound—dreadlocks, knitted caps, colors (i.e., red, gold and green), and use of marijuana (ganja), along with reggae music—have become popular cultural symbols that have far outdistanced fundamental Rastafarianism itself, being embraced by both Black and White youth since the late 1960s in what can be called "reggae culture." Rastafarian religious proliferation was also no doubt aided by the burgeoning popularity of reggae music and the prominence of its most accomplished and widely known performers, Bob Marley, Black Uhuru, Burning Spear, and Peter Tosh, who electrified American audiences in the 1970s. Reggae's driving "earth beat" caught on in the United States, England, and Canada in large part because of the presence of Afro-Caribbean peoples in those nations and their high-profile dreadlocks that were adopted as cultural symbols of ethnic purity, revolutionary consciousness, and the ritual (or other) use of ganja. More importantly, ideological links within revolutionary movements in the United States, West Africa, and the Caribbean were cemented by Guyanese author and activist Walter Rodney. It was Rodney who, before his assassination, published the influential pamphlet *Groundings With My Brothers* (1968), detailing his associations with Rastafarians and the need for solidarity among peoples of color. Rodney's recognition of the Rastafari as a restorative force for Black peoples and his call to arms in many ways echoed the sentiments of other famous insurrectionist icons, Frantz Fanon, Ernesto "Che" Guevara, and Eldridge Cleaver, in their characterizations of the United States as "Babylon," an evil power, similar to the Ayatollah Khomeni's branding of America as the "Great Satan."

Most notable for criminology students is the Rastafarian tradition of using marijuana as a sacrament and a recreational drug. The reputation of Jamaican marijuana and the proliferation of Jamaican gangs in the United States and United Kingdom through the last 2 decades of the 20th century have been distinctly, and in most cases mistakenly, tied to Rastafarians. Although Rastas in most respects reject violence and forbid the use of addictive drugs, Jamaican immigrants to cities in the United States, many who dress, speak, and imitate the Rasta traditions, as members of reggae culture, have become associated with criminal

gang activities. The "Shower Posse," so named for the showers of lead shot at its rivals, has operated in Miami, New York City, and a number of large cities. Jamaican police have also noted that the United Kingdom has become a refuge for those avoiding capture, many of whom have gang affiliations and have adopted the Rastafarian mode of appearance. This association with street crime, drug trafficking, and general lawlessness has been in large part erroneous, in that Rastafarians occupy their own psychic space characterized largely by ambivalence for the activities of those outside the faithful, licit and illicit.

As Rastas maintain a nonviolent militancy and ideological resistance to the established Jamaican status quo in government, religious, and social circles, patriotism and national loyalty were transferred to Africa in general and Ethiopia specifically. Although Rastas greet each other with appeals to "peace and love," they view the actions of outsiders as separate from their own religious agendas and consequently as of little concern. For a devout Rastafarian, the objective elements of reality are always subordinated to the prevailing Rasta belief system, the deification of Haile Selassie, and the received view that the media and the White world in particular are threats to Rastas. Consequently, Rastas expend very little energy or resources in dispelling myths or rebutting misinformation about their religion's involvement in gang activities or narcotics trafficking, focusing instead on the notion that adversaries sponsor all sorts of mendacity and are best ignored. The stubborn resistance of Rastafarianism has effected a process whereby it has run its course as a millenarian movement, found numerous and creditable adherents, and emerged as full-fledged religious faith. By 1985, Rastafarianism was represented in nearly all of the 50 United States and every medium-to-large city in the country. Rastafarians were participants in the overthrow of the Eric Gairy regime in Grenada by Maurice Bishop and the People's Revolutionary Army, evoking concern among establishment elites across the hemisphere. At the same time, Rastafarianism, through political acumen and religious persuasion, became a vital part of the Jamaican officialdom and an influential alternative to Christianity throughout West Africa and the Caribbean.

David Keys

See also Black Panther Party; Deportation; Jamaican Posse; Nation of Islam; Religious Minorities

Further Readings

Barrett, L. E., Jr. (1997). *The Rastafarians*. Boston: Beacon Press.

Mack, D. R. A. (1999). *From Babylon to Rastafari: Origin and history of the Rastafarian movement*. Washington, DC: Frontline.

RECIDIVISM

In America, issues of race and recidivism have been the focus of academic and practical concern since the post–Emancipation Proclamation days. *Recidivism* is widely accepted as a term used to define the rates or chances of reoffending after an offender has been released from probation or corrections. The term also denotes the chances or rates of re-arrest during terms of probation, albeit for a new offense or a violation of conditions of supervision.

Research has identified 14 different terms used to define recidivism. Of those, *re-arrest*, *reconviction*, and *resentencing* are the most widely used terms by various departments, agencies, and researchers. Predominate research operationalizes (defines) recidivism as offender re-arrest and reconvictions as a result of secondary data being readily available and nonoffender participation. The amount of time between release from probation, parole, or prison, and reoffense, re-arrest, or readmittance to prison is used as a standard parameter of recidivism. Most studies utilize a 12- to 36-month window after release to determine recidivism, with 12 months being the most common time of analysis. Given that research has demonstrated that approximately 70% of recidivist actions within the initial 3 years occur in the first 12 months, a majority of studies examine offender recidivism within 1 year of release.

Factors Associated With Recidivism

Recidivism research has established a set of recidivism predictor variables by examining offenders

after being released from prison, probation or while an offender was currently on probation, in addition to extensive research examining offender risk variables. A review of the literature reveals that the offender's criminal history, type of instant offense (property or person crime), unemployment, age, gender, and history of antisocial behavior are significantly correlated with recidivism. Literature also demonstrates that factors related to an offender's lifestyle, such as his or her living situation, degree and type of drug use, criminogenic needs and criminal associates, are associated with the likelihood of reoffense.

Race and Recidivism

In the initial national recidivism study conducted in 1994, the U.S. Department of Justice revealed that 63% of all convicted felons were re-arrested for a felony or serious misdemeanor within 3 years of being released. Forty-seven percent of all reoffenders were reconvicted of new crimes, and 41% were reincarcerated. The rates of recidivism (i.e., re-arrest, reconvictions, and reincarcerations) were highest among Blacks. Hispanics had a higher rate of recidivism than non-Hispanics.

In 2002 the U.S. Department of Justice again examined the rates of recidivism among released U.S. prisoners. Of 272,111 released offenders, 68% were re-arrested for a new offense within 3 years. Blacks were more likely than Whites to be re-arrested (73% vs. 63%), reconvicted (51% vs. 43%), returned to prison with a new prison sentence (29% vs. 23%), and returned to prison with or without a new prison sentence (54% vs. 50%). Non-Hispanics were more likely than Hispanics to be re-arrested (71% vs. 65%), reconvicted (51% vs. 44%), and returned to prison with or without a new prison sentence (57% vs. 52%). It should be noted that Hispanics (25%) and non-Hispanics (27%) did not significantly differ with regard to being returned to prison with a new prison sentence.

Research has revealed that under a time-series analysis, although Blacks and Hispanics have a higher rate of recidivism, Whites are more likely to reoffend earlier upon release from custody. Findings such as these have forced a change in the paradigm of focusing on binary operationalizations of recidivism to one of continuous understanding in terms of time to reoffense upon release. In other words, new recidivism research now focuses on the amount of time that it takes for a released offender to reoffend as opposed to focusing on simply whether or not an offender recommitted a new offense upon release.

Limitations of Race and Recidivism Research

Recidivism data are based primarily upon an evaluation of official criminal history checks. As a result, the knowledge of actual offender arrest, convictions, and re-admittances, as determined by these databases, are dependent upon department and agency submissions of factual information. In some cases, even when the factual data is sent to the repositories, there may not be the ability to match the offender to the existing database. For example, the date of birth, social security number, or other identifiers may be different.

There is also the issue relating to the operationalization of recidivism. Due to the numerous definitions, researchers should be cognizant of the manner in which recidivism has been defined. For example, if one defines recidivism as any new arrest as opposed to new convictions, the recidivism rate will be higher, given the reality that more people are arrested than convicted.

Research Considerations

After examining the literature, one has to be extremely careful not to assume that race is the cause of recidivist actions. Researchers must look closer at the causal factors to determine the true relationship between race and recidivism. Race and recidivism are only the beginning of criminological inquiry. Additional research is needed to understand those factors that increase the rates of recidivism among Black and Hispanics as well as to decipher the reasoning behind why Whites recidivate faster. Perhaps the focus should be taken away from recidivism and refocused on criminal desistance.

Howard Henderson and David Rembert

See also Myth of a Racist Criminal Justice System; Restorative Justice; Sentencing Disparities, African Americans

Further Readings

Andrews, D., & Bonta, J. (1994). The *psychology of criminal conduct*. Cincinnati, OH: Anderson.

Beck, A., & Shipley, B. (1989). *Recidivism of prisoners released in 1983* (NCJ Publication No. 116261). Washington, DC: Bureau of Justice Statistics.

Gendreau, P., Little, T., & Goggin, C. (1996). A meta-analysis of predictors of recidivism: What works! *Criminology*, *34*, 575–608.

Henderson, H. (2006). *The predictive utility of the Wisconsin risk needs assessment instrument in a sample of Texas probationers*. Unpublished doctoral dissertation, Sam Houston State University, Huntsville, TX.

Langan, P., & Levin, D. (2002). *Recidivism of prisoners released in 1994* (NCJ Publication No. 193427). Washington, DC: Bureau of Justice Statistics.

Reformatories

A reformatory is an institution for juvenile lawbreakers. Reformatories were originally intended to reform and educate young offenders rather than to punish them. In theory, a key differentiating characteristic of the reformatory was that it removed youth from contact with adult prisoners. However, early reformatories were organized much like adult prisons, making them inadequate and not much of a substitute for adult correctional facilities. As a result, the term *reformatory* has not been used much since the 1960s. Instead, institutions for young offenders are more often referred to as youth detention centers, training schools, forestry camps, youth camps, honor farms, or juvenile residential facilities. Today, reformatories are financed by city, county, and state governments, as well as by the federal government. The first reformatories to operate in the United States were established in the early 1800s in Massachusetts, New York, and Pennsylvania. This entry examines the history and current state of reformatories. It also explores the race-related aspects of the development and current conditions found in reformatories.

History and the Reformatory Era

In response to the overcrowding of prisons in the 1800s, U.S. prison administrators began to look to models of reform instituted by other countries. Of particular interest were the British and Irish penal systems. These systems were generally seen as more humane than the U.S. systems in existence at the time. They emphasized and expanded educational and vocational programs intended to train and prepare offenders for release and return to the community, all the while striving to reduce recidivism.

The principles of the foreign prison systems were formally accepted in 1870 after a meeting of politicians, prison administrations, and local citizens was held in Cincinnati, Ohio. In particular, they adopted the ideologies of rewarding good behavior and of emphasizing reform rather than punishment and suffering. In addition, they made use of indeterminate sentences to allow for the release of prisoners when it could be shown that they were prepared and ready to return to the community and to become contributing members of society. This period became known as the reformatory era and lasted from 1870 to 1910; however, many of its principles and programs are still considered vital to the organization of today's correctional systems.

Women and Children

Although quickly replaced by the industrial prison era, the reformatory era's influence can still be seen today, particularly when it comes to women and youthful offenders who are housed and dealt with separately from their adult male counterparts. In 1873, the Indiana Reformatory for Women and Girls—the first separate state prison for females—opened its doors. Shortly thereafter, states in the eastern part of the United States opened reformatories with entirely separate facilities for both women and juvenile offenders.

The design of the reformatories intended for use by women and youthful offenders was very different from the prisons used for men. The facilities used to house women were made up of small living quarters—built to resemble cottage-style architecture—and were designed to hold no more than 30 inmates at one time. Each unit included a kitchen, living room, common dining area, and oftentimes a nursery for those inmates who had children.

The residential facilities used for the custodial care of delinquent children were similar to those

used for female inmates. Due to the rehabilitative nature of these institutions, their main goal was the social reeducation of delinquents. These institutions were first established in New York City in 1825 as houses of refuge from the prisons to which delinquent children had been previously committed. These early facilities emphasized hard work, strict discipline, and the bare minimum in education. Oftentimes, these institutions were called "reform schools" or "industrial schools" and had programs of rehabilitation and reeducation based on military discipline, country living, and vocational training. The early institutions resembled prisons in their organization; however, in the 1850s a few of the schools integrated the cottage plans, used with female offenders, in which the inmates resided in relatively small housing units.

Convict Leasing and Chain Gangs

As women's reformatories expanded after the Civil War, so did Southern chain gangs and the leasing of inmates to private companies as an extension of antebellum slavery. In fact, convict leasing and chain gangs—made up of African American inmates—were the American South's way of perpetuating plantation slave-labor and lasted from 1883 to 1910. The practice proved to be highly profitable for the government; the convicts did not receive any payment for their work.

During the day, inmates worked outside the prison for private companies, and supplied labor to mining, farming, logging, and railroad industries. In the evenings, they were returned to their cells for meals and sleep. Many of the inmates involved in the convict leasing system endured severe abuse and neglect at the hands of private business owners. Although the system drew opposition from the start, legislation outlawing the practice was not passed until well into the 20th century. Although, the convict leasing system has been phased out, other forms of convict labor still exist today, including industrial prisons and work camps.

Juvenile Residential Facilities

Today, reformatories and reform schools are often referred to as juvenile residential facilities. These facilities are much like the prisons that are used to hold adult offenders, but they house mostly youth found to be delinquent and those who have received orders of commitment. Unlike the reformatories of the past, whose primary focus was on educational and vocational training, today's institutions include drug and substance abuse programs, as well as programs on recreation and religion. The average offender housed in a juvenile residential facility is roughly 16 years old but, depending on jurisdiction, can range as high as 25 years of age.

Juvenile offenders are usually placed under the supervision of a state department of youth services. Prior to being placed in a residential facility, they spend time at diagnostic centers where they receive psychological testing, as well as undergo aptitude and risk assessments to determine appropriate facility placement. After being assessed at the diagnostic centers, these juveniles are then sent to a long-term confinement facility or reformatory. Today, most juveniles are placed in public reformatories; however, public reformatories are outnumbered by private facilities that are under contract to state agencies.

The vast majority of offenders who are confined to juvenile residential facilities are there as a result of committing juvenile delinquency offenses that would be considered criminal law violations if committed by adults. Status offenses, such as curfew or loitering violations, account for a minimal number of confined youth. The number of juveniles committed to juvenile residential care facilities increases every decade. The increase in juvenile commitment has led to the overcrowding of facilities, making them less secure and more difficult to manage.

An imperfect solution to the problem of overcrowded juvenile facilities has been to place young offenders back into the adult prison system. In fact, there has been an increase in the number of offenders under the age of 18 who are being placed directly into state and federal adult prisons. In the past 10 years, the publicity of serious crimes committed by juveniles has led states to enact legislation allowing for the prosecution of serious juvenile offenders as adults. Upon the successful prosecutions of such cases, youths are being sentenced to terms of imprisonment in adult correctional facilities rather than juvenile residential facilities. With an increase in the commission of violent crimes by youthful offenders, it is predicted that more and

more juveniles will be committed to adult facilities in the coming years.

Juvenile Gangs and Drug Use

The increase in juvenile commitment to residential facilities is attributed, in part, to the increase in gang activity by minority youth. Over the past several decades, there has been a dramatic increase in the number of juvenile gangs in the nation's inner cities, as well as rural communities. Research indicates that gang membership has a direct correlation to delinquent behavior, in particular to violent offenses. Most gangs are formed within racial or ethnic boundaries. Law enforcement statistics indicate that gang membership is mainly an African American and Hispanic phenomenon. However, there are indications that Asian gangs are significant contributors to the rate of serious offenses against persons and property.

Crimes committed by juveniles are also closely linked to poverty, drug use, and a lack of opportunity. Crime is most prevalent in neighborhoods with high African American and Hispanic populations, usually urban areas. As a result, the arrest and incarceration rates of these minority groups tend to be higher than the arrest and incarceration rates of Whites. Law enforcement efforts tend to be more intense in urban neighborhoods with high rates of crime and drug use. Studies of the War on Drugs indicate that arrest rates for drug use and possession are higher in cities than in suburban areas and have a disproportionate effect on African Americans. Overall, the disproportionate number of racial minorities that are arrested and placed into correctional facilities may have more to do with social and economic factors and less to do with discriminatory practices on the part of the criminal justice system. However, the high percentage of racial minorities under correctional supervision does contribute to a perception of racism that creates challenges for the effective management of correctional institutions, including juvenile residential facilities.

Background Expectations

The statistical indication of a socioeconomic correlation to criminal activity by minority juvenile offenders may be the inadvertent result of what is known as background expectations. Police and probation field researcher Aaron Cicourel, in *The Social Organization of Juvenile Justice*, questions the validity of such statistics. Cicourel's theory of background expectations states that research has found a link between broken homes and juvenile delinquency and that the finding is discussed often in the media. As a result, the police are then led to believe that children from broken homes are more apt to be delinquent. Subsequently, the police focus on, and arrest, a great many children from such homes. Based on these arrests, statistics show that children from broken homes *are* more likely to be delinquent. These statistics are then used by researchers to develop theories on a link between social status and crime. In all, such inaccurate and misleading information produced by the media can bias police action toward juvenile offenders, in particular minority youth offenders, and has the potential to increase their rates of arrest and confinement to residential facilities.

Racial Disparity of Inmates

As is the case in facilities for adult males, the reform and detention facilities for juveniles house primarily racial minorities. Statistics show that there is an overrepresentation of minorities in reformatories and that a significant percentage of the overall minority youth population has spent time in reform or correctional institutions. This racial disparity within the makeup of the U.S. correctional population has sparked debate as to whether criminal justice procedures and correctional policies are discriminatory. In an examination of the discretionary decision making by members of the criminal justice profession, Marc Morial, president of the National Urban League, discovered an alarming trend. According to Morial, 2002 census figures show that with 875,000 African Americans incarcerated in the United States, one out of every seven African American men, ages 25 to 29, is in jail or in prison.

In an attempt to understand why arrest and incarceration rates are disproportionate to the racial and ethnic makeup of the U.S. population, William Wilbanks, in *The Myth of a Racist*

Criminal Justice System, claims that most studies of the criminal justice system do not show sufficient evidence of racism. Wilbanks, among others, argues that the proportion of incarcerated minorities to the overall minority population has mainly to do with the fact that minorities are disproportionately involved in crime, both as victims and as perpetrators. In the end, the issue may not be one of race but rather one of social class and economic status, which contributes to minorities—in particular those in poverty-stricken urban neighborhoods—being more likely to become the victims and perpetrators of violent crimes.

Racial Disparity of Correctional Staff

The disproportionate number of minorities in reformatories, jails, and prisons has made it increasingly important that correctional agencies recruit and staff their facilities with minority employees. In the past, there have been serious repercussions, such as the 1971 riot in the New York State Penitentiary in Attica, from having nearly all White employees supervise offender populations that are predominantly made up of minority groups. One of the main issues is the culture clash that can inevitably arise when correctional facilities, usually located in remote and rural White areas, are staffed by locals to guard urban African American and Hispanic populations. Often these groups are separated by a lack of trust and a lack of understanding or appreciation of cultural or racial differences. The result can manifest itself in hostility or a sense of discrimination that, when allowed to fester, can become explosive.

Since the Attica riot, there has been an increase in the hiring of minority staff in reform and detention facilities. This change in hiring practices has not necessarily quashed the issues of racial tension in today's reform institutions. When minority staff members were first recruited to rural institutions, some of the existing White staff members feared that the new non-White staff would be overly sympathetic to minority offender populations. In addition, the problem has bred a lack of trust among staff members, fear regarding the security of facilities, as well as concern regarding the job security of rural Whites. In the end, what was once a culture clash between staff and inmates has become a clash among correctional staff.

Krystal E. Noga

See also At-Risk Youth; Child Savers; Female Juvenile Delinquents; Juvenile Drug Courts; Status Offenses

Further Readings

Cicourel, A. (1995). *The social organization of juvenile justice*. New Brunswick, NJ: Transaction Books.

Penn, E. B., Greene, H. T., & Gabbidon, S. L. (Eds.). (2006). *Race and juvenile justice*. Durham, NC: Carolina Academic Press.

Wilbanks, W. (1987). *The myth of a racist criminal justice system*. Belmont, CA: Brooks/Cole.

Young, V. (1994). Race and gender in the establishment of juvenile institutions: The case of the South. *Prison Journal*, *74*, 244–265.

Religious Minorities

A religious minority is a minority of the population in a given society who profess a religion markedly different from the conventional religious culture of that society. For example, Buddhists, Hindus, and Muslims are counted as religious minorities in the United States, where Christianity has retained its dominant normative religious status. In the Islamic world, however, it is Christians with small population percentages that are among the ranks of religious minorities. In the social sciences (especially sociology), researchers have been increasingly concerned with social phenomena that center on religious minorities (i.e., cults/new religious movements). Not only does the religious minority group, as a social phenomenon, deserve serious research in its own right, but also there might exist significant associations between the religious minority identity and deviant behaviors, particularly when confounded with race and ethnicity, under certain social conditions. This has been particularly the case after 9/11. Since this period, Muslims in particular have been demonized as being criminals.

While the research on religious majority groups has dominated the scientific study of religion,

remarkable progress has also been made in understanding religious minority groups. One of the earliest such studies dates back to 1965 when John Lofland and Rodney Stark published their well-known research on the formative years of the Unification church (Moonies) in the United States. Several decades later, in 1996, Rodney Stark and William Bainbridge defined sects and cults as the two basic forms of deviant religious groups. While the former (and churches as well) belong to the conventional religious culture, the latter are referred to as a religious minority group that engages in *religious* deviance. In other words, minority religion per se is deviance.

To be more specific, as religious minorities, members of most cults (or new religious movements) tend to reject the conventional religious culture of a given society and attempt to replace it with an entirely new culture. For example, New Paganism in the Christianity-dominated Western nations is a cult, given its attempt to replace the conventional Judeo-Christian culture of the West with an exotic religious culture claimed to predate Christianity. In addition, it also has been suggested that some conventional religious groups can automatically transform into cults by creating and adding new cultural elements into the existing conventional culture. As a consequence, members of such groups become religious minorities, being socially marginalized and rejected by the dominant religious culture, which views them as heretics and potential threats (e.g., the Church of Jesus Christ of Latter-day Saints [Mormons] and the Unification Church, which rest on Christian beliefs and teachings with newly developed theological elements).

In the exploration of religious minorities as deviant, one area that cannot be neglected is race and ethnicity. Individuals who belong to a religious minority group may be subjected to social discrimination and prejudice from the larger society; this is particularly true when the religious differences correlate with racial and ethnic differences. One exemplary case is Japanese Buddhism during early Japanese immigration to the United States in the late 19th and the early 20th centuries. In this period, when anti-Asian sentiment was commonplace, Japanese ethnic identity aroused considerable hostility and oppression from the surrounding Christian culture against ethnic Japanese Buddhists. At this time, although often looked on with scorn by Christians, White Buddhist practitioners were spared from serious religious persecution. With the double burden of religious minority and racial and ethnic minority identities, a group may appear all the more "deviant" in the eyes of "mainstream" culture.

Admittedly, some religious groups, including minority groups, have the power to harm. Consequently, their actions can, at times, be extremely detrimental to the society—the September 11, 2001, terrorist attacks against the United States are a striking example. But as sociologists of religion have pointed out, most religious minority groups are deviant mainly because their cultures differ dramatically from that of the conventional religious denominations in a given society. As a matter of fact, in most instances a religiously deviant group does not do any harm to the community to which it belongs or to its members (e.g., the sitting meditation of the Transcendental Meditation Groups).

Not only are religious minority groups deviant in comparison with dominant religious groups of the conventional culture, but religion has also been found to correlate with various forms of deviant behavior, such as crime, suicide, delinquency, and so on. The study of suicide, a basic form of individual-level deviant behavior, for example, played a crucial role in the founding of modern sociology; sociologists Thomas Masaryk and Émile Durkheim were among the first in the late 19th century to investigate the striking differences between suicide rates among Catholic and Protestant denominations. Henry Morselli also suggested, as early as in 1879, that members of religious minority groups particularly demonstrated low rates of suicide, for religious sentiment—which is believed to help deter suicide—increases in proportion to the degree of social isolation that religious minorities experience in a society. Unlike the linkage between suicide and religion that has received consistent examination based on hard evidence, the relationships of religion to other forms of deviance received little scholarly attention in the early studies on religious minorities.

Indeed, such research did not begin until 1969, when Travis Hirschi and Rodney Stark, in their study of religion and juvenile delinquency on the West Coast, found that the religiosity of youth had no relationship to their level of delinquent behavior.

Their work revitalized scholarly interest in religion and deviance. After a growing body of literature replicated the results from Hirschi and Stark's study, it became common knowledge within sociology that religion does not deter deviance. However, later research by Stark and others also found that religion does have a deterring effect on deviance—but that effect is dependent heavily upon social context. In regions where religious beliefs are not as strong (such as on the West Coast), individual religiosity does not have the power to constrain deviance. But when a religious person is in a religious setting (such as the South), religion is a powerful inhibitor of deviant behaviors. Indeed, this general rule of "moral communities" applies as nicely to religious minorities as to religious majority groups.

With regard to ethnoreligious minorities, once again race and ethnicity play a crucial role in understanding the linkage between minority religion and deviance. A substantial number of religious minority groups in the United States (e.g., Hinduism, Buddhism, Islam) have rapidly grown through immigration, and the vast majority of their members are ethnic minorities. As fundamental attributes of social relations, race and ethnicity are included in almost all the significant social scientific research, at least as a control variable. In any event, as findings from previous literature have demonstrated, the religious effect on deviant behavior conditioned by social contexts differs significantly between racial/ethnic minorities and majorities. For instance, Asian American adolescents from Confucian or Buddhist family backgrounds are less likely than others to commit deviant behaviors. Within such an ethnoreligious-cultural social context, the religious emphasis on submission to parents' authority and conformity creates a sturdy parents–children social bond to effectively deter delinquency and crime. Unfortunately, however, research on the connections between religious minorities, crime and deviance, and race and ethnicity has been meager to date, and thus this subject clearly offers an opportunity for an exciting scholarly adventure.

Eric Yang Liu

See also Ethnicity; Race Relations; Racial Conflict; Racialization of Crime

Further Readings

Durkheim, É. (1951). *Suicide: A study in sociology* (J. A. Spaulding & G. Simpson, Trans.). New York: The Free Press. (Original work published 1897)

Lofland, J., & Stark, R. (1965). Becoming a world-saver: A theory of conversion to a deviant perspective. *American Sociological Review*, *30*(6), 826–875.

Stark, R. (1996). Religion as context: Hellfire and delinquency one more time. *Sociology of Religion*, *57*(2), 163–173.

Stark, R., & Bainbridge, W. (1996). *Religion, deviance, and social control*. New York: Routledge.

Restorative Justice

Restorative justice is a peacemaking process that focuses on reducing the conflict and inequality created by the criminal justice system. Whereas the result of the traditional adversarial, offender-centered criminal justice system is the mass incarceration of minorities, nonadversarial restorative justice programs avoid this through community reintegration. Restorative justice involves the community in the process of crime control, improves relations between the victim and the offender, and constructively contributes to offender reintegration. This entry examines the history and principles of restorative justice, the process and agents of restoration, and the intersection of race and restorative justice.

History

The system of restorative justice is often understood from the context of the Native Americans' cultural practice of healing and reintegration, also termed *peacemaking*. The Native American peacemaking process serves as a venue to bring together victims, offenders, and the community, to solve what is viewed as a community problem. Within the history of Native American culture, reintegration of offenders is viewed as fundamental to maintaining the harmony and balance of a community. Instead of focusing on what happened, they often focus on *why* it happened, that is, why the social harm occurred in the first place. This process of reintegration focuses on active problem

solving through (a) showing individuals the harm that their actions caused and (b) teaching offenders a constructive way of dealing with their situations and emotions.

The basic concepts of Native American justice include relationships, reciprocity, solidarity of the community, and the process of justice, as opposed to the dominant system of justice in the United States, which focuses on hierarchy and punitive judgment. Native American justice also focuses on preventive tactics. Whereas the U.S. criminal justice system responds to criminality *after* the fact, the Native American justice system focuses on prevention and the importance of a community raising a child. This focus on prevention allows the community to have a large impact on an individual and his or her behavior. Native Americans also believe in separating the individual from the crime; that is, while a criminal act is disrespectful, the individual is not. In contrast to the punitive function of the current criminal justice system, the separation between the crime and the individual results in a focus on rehabilitation and community reintegration.

The Native American cultures' focus on peacemaking has existed as long as the culture itself. They practice spirituality, community culture, and reintegration. While Native American cultures have a court system, the court system functions to repair the community harm and not necessarily to harshly punish the individual who has committed the harm. This allows all individuals involved (victim, offender, relatives, and community) to maintain dignity and integrity and to accept responsibility for the situation. As a result, the social stigma and negative consequences that result from a punitive system are avoided. When a Native American individual completes the process of restoration, his or her dignity and worthiness are considered restored, all individuals involved are active in the process, and the community is viewed as being restored to its harmonious nature.

These Native American components of reintegration and peacemaking were first utilized in the U.S. correctional system in 1972. The Minnesota Department of Corrections began using victim–offender meetings as an experimental component of state restitution programs. In the 1980s, numerous programs focused on community-based mediation programs for juvenile courts. Two decades later, hundreds of restorative programs were placed within juvenile and adult courts and corrections, each focusing on victim reparation, offender responsibility, and community reintegration.

Principles

Stemming from the Native American concepts of peacemaking and reintegration, current forms of restorative justice encompass a variety of programs and practices. At the core of restorative justice is the concept of restoring the imbalance that results from criminal behavior. Restorative justice addresses victims' harms and needs, holds offenders socially accountable for their behavior, and involves the community, victims, and offenders in this process. Instead of the punitive viewpoint of a traditional criminal justice system, restorative justice is a justice policy that repairs the harm caused by crime and includes all parties that were harmed to be involved within this process.

In 2002, the National Victim Assistance Academy identified the following seven principles as basic principles of restorative justice:

1. Crime is an offense against human relationships.
2. Victims and the community are central to justice processes.
3. The first priority of justice processes is to assist victims.
4. The second priority is to restore the community, to the degree possible.
5. The offender has personal accountability to victims and to the community for crimes committed.
6. The offender will develop improved competency and understanding as a result of the restorative justice experience.
7. Stakeholders share responsibilities for restorative justice through partnerships for action.

These principles serve the purpose of having offenders accept accountability for their actions and accept the responsibility for the harm that their criminal act caused. Unlike the traditional criminal justice system, restorative justice allows for a nonadversarial decision-making justice process that

focuses on the offenders' and victims' healing through alternatives to incarceration or as a supplement to court sanctioning. As a result of this healing process, the offender can then become restored as a successful member of the community.

Process and Agents of Restoration

Restorative justice allows restoration to take place in a nonadversarial manner within the community in which the crime occurred, not within a traditional, adversarial court system. The restorative justice process may include family group conferences, community mediation, victim–offender mediations, sentencing circles (common within Native American communities) and reconciliation commissions. The process may occur in a formal or an informal manner, but it will occur within a structured, mediated environment.

The first step of a restorative justice program will include an element in which the offender is asked to recognize the injury that he or she caused. This is done through a personal statement from the offender to the victim. Next, the offender is expected to commit to reparation or make a symbolic commitment to restitution through the form of an apology. Through dialogue with those involved in the social harm (victims, offenders, community), the community will then voice support and assistance for all parties involved. The end result of the restorative justice process is the offender's reintegration into the community.

These programs have been implemented within many levels of society. *Communities* implement forms of restorative justice through community dialogue and involvement. In turn, communities with these programs foster a sense of interconnectedness and result in fewer neighborhood and community risks. *Law enforcement* utilizes components of restorative justice through the process of mediation, negotiation, and counseling. Community policing provides a catalyst for the utilization of restorative justice principles within the community. *Courts* have implemented the principles of restorative justice through diversion programs and alternatives to sentencing. Lastly, *schools* have created restorative justice programs within their system. Offenders involved in violent and property criminal activity, as well as drug and alcohol abuse, are given community work, service, and mentors as means to repair their social ties within the community. Rather than resorting to expulsion, restorative justice attempts to reintegrate students into the schools and communities as successful and productive citizens.

Restorative justice is commonly used to respond to young offenders. Young offenders are at high risk of recidivating and continuing on a life course trajectory toward crime. Instead of being placed in a facility or getting little attention from juvenile justice officials, restorative justice allows for early intervention. By focusing on reintegrative shaming (John Braithwaite's argument that individuals are deterred from committing criminal acts through fear of social disapproval), juvenile offenders are provided an environment in which they learn to understand the consequences of their actions, take responsibility for them, and make reparations to society. During this process, the juvenile offenders will be held accountable and will be provided a community of support, and will begin to identify with a sense of their community.

Intersection With Race

The traditional criminal justice system results in mass incarceration of minorities, negative labeling of offenders, and harsh social consequences to those who have been through the system. Restorative justice policies avoid these consequences through community reparation and individual development. They provide the social context for the successful reintegration of offenders into the community.

Many minorities claim that restorative justice programs fail to provide for remedies against minorities, because minorities are often not seen as victims, let alone the "ideal" victim to participate in a restorative justice program. Minority cultures are also more likely to risk rejection and hostility if they turn to the police for help. Because restorative justice is a policy that is remanded through these formal agencies, minorities often never have the opportunity to become involved in the healing and reparation that results from restorative justice. The number of police and court referrals for restorative justice programs has historically been lower for members of minority cultures when compared to members of the dominant culture.

Studies suggest that restorative justice does not work the same way for all groups and cultures and that this oversight may be repaired by changes in government involvement. It has been suggested that restorative justice can deliver a more effective and appropriate form of justice if it is well resourced and tied to a political process. For restorative justice programs to be successful for minority group members, engagement between political minority groups and governments must occur. Restorative justice programs often lack a focus on culturally appropriate services and have been unresponsive to cultural differences. This has resulted in an erosion of belief and trust in the legitimacy of the criminal justice system and restorative justice programs. The intersection of race and current programs of restorative justice may result in the assimilation of minorities into a process that may not be sufficient for restoring, repairing, or involving minority communities.

The current criminal justice system faces many challenges. Courts are overcrowded, offenders play a passive role within the system, victims are often excluded from the process, and resources are saved for the most serious cases. Restorative justice and its principles allow society to redefine how the current criminal justice system addresses crime. When crime is viewed as a social harm, the justice process must emphasize repairing that harm. To provide safety and stability to society, actively engaging victims, offenders, and citizens in the solution is necessary. This engagement allows for alternatives to incarceration, community "watch" programs, and community solidarity, which in turn repairs harm, restores balance, and allows for peace.

Alana Van Gundy-Yoder

See also Conflict Theory; Mentoring Programs; Native Americans: Culture, Identity, and the Criminal Justice System

Further Readings

Bazemore, G., Seymour, A., Day, S., & Rubin, T. (2000, October). Victims, judges, and juvenile court reform through restorative justice. *OVC Bulletin*. Retrieved from Office for Victims of Crime website: http://www.ojp.usdoj.gov/ovc/publications/bulletins/vjj_10_2000_2/welcome.html

Braithwaite, J. (1989). *Crime, shame, and reintegration*. Cambridge, UK: Cambridge University Press.

Braithwaite, J. (1998). Restorative justice. In M. Tonry (Ed.), *The handbook of crime and punishment* (pp. 323–344). New York: Oxford University Press.

McGarrell, E. F. (2001, August). Restorative justice conferences as an early response to young offenders. *Juvenile Justice Bulletin*. Retrieved from Office of Juvenile Justice and Delinquency Problems website: http://www.ncjrs.gov/html/ojjdp/jjbul2001_8_2/contents.html

Mirsky, L. (2004). *Restorative justice practices of Native American, First Nation and other Indigenous people of North America* (2 parts). Bethlehem, PA: International Institute for Restorative Practices.

r/K Theory

r/K theory, derived from evolutionary biology, describes a continuum of reproduction strategies. Species on the r-strategy end of this continuum reproduce quickly, in large numbers, and spend little time nurturing their young, while K-strategy animals reproduce slowly, in low numbers per birthing event, and nurture their young carefully. Although humans are believed to be K-strategy animals on the whole, this theory has been applied to criminal behavior by assuming there is discernable variation in reproductive strategies within the human species itself. More specifically, criminal behaviors have been linked to a relativistic r-strategy within the continuum of human reproduction. Groups with more r-traits are postulated as being more likely to engage in crime. Empirically, the claims of r/K theory are difficult to prove and have caused a great deal of controversy with regard to racial applications to criminal behavior.

r/K in Biology

Regular use of r/K theory to describe reproduction within evolutionary biology began in the late 1960s with the work of Robert MacArthur and E. O. Wilson. The use of *r* and *K* reflects the inherent differences between the reproductive strategies—*r*, in reference to the growth rate of a population, is connected to animal species that expand rapidly in a noncompetitive environment; in contrast, *K* refers to the carrying capacity or equilibrium point of the environment and is

associated with species that breed slowly in highly competitive niches. All organisms are thought to fall at some point between the r and K extremes, and such biological realities influence subsequent behavior regarding reproduction. However, some researchers have refined this theory to account for further variability within the animal kingdom.

Animals reflecting r-strategies have developed abilities through evolution to have low gestation periods and large quantities of offspring, but also have short life spans; from an evolutionary standpoint, such qualities could be highly beneficial in a rapidly changing environment, where high rates of genetic turnover produce the best odds of finding successful adaptations. These traits influence animal behavior, as r-strategy species will begin reproduction early in their life cycles to maximize genetic chances and have less ability to care for and cultivate offspring because of large birth cohorts. In this strategy, individual organisms are less important than the overall perpetuation of the species as a result of rapid evolutionary development, large numbers, and short life spans. Many insect species would fit into this reproductive strategy.

Species that represent K-strategies have large gestation periods and small quantities of offspring per birth, though individual organisms tend to have long expected life spans. Evolution occurs slowly for such animals, and environmental adaptation results more from the abilities of the individual organisms rather than rapid genetic turnover. As a result of having slower reproduction and a lessened priority to produce immediate genetic variation, K-strategists will need to invest more energy into offspring than will r-strategists. This leads to cautious reproduction strategies to maximize resources, manifesting in delayed commencement of reproduction and greater ability to assist and protect offspring. Humans and other large, warm-blooded mammals are indicative of this overall strategy.

According to behavioral geneticist and psychologist David Rowe, the fundamental difference between these two reproductive extremes is that r-strategists emphasize mating, whereas K-strategists emphasize parenting. Different skill sets and assumptions are required for each strategy. Species using an r-strategy focus on immediate action to maximize their biological advantages; hence prolonged sex drive, sexual aggressiveness, and detachment from offspring are useful. In contrast, maximizing K-strategy advantages require actions such as mate discernment, enhanced loyalty to biological relations, and prospective stability for the offspring's environment.

r/K in Human Behavior and Crime

Whereas human beings are considered K-strategists from a biological standpoint, there is sufficient variation in human behavior for some researchers to suggest homo sapiens are not a monolithic or uniform K species. This is accounted for in the general biological theory, as organisms are seen as falling within a continuum between r and K with a combination of traits to various degrees. In this schema, criminal acts in humans are regarded as an r-strategy behavior—offending is an aggressive, opportunistic action that requires a detachment from others and is often focused on immediate gains rather than long-term consequences.

Though intraspecies variation is built into the r/K theory, theorists such as Lee Ellis and J. Philippe Rushton propose there is a systematic variation within our species such that specific groupings of humans can be differentiated in comparison to each other along this r/K continuum. In addition to previously mentioned r-traits, those who are evolutionarily predisposed to the r-strategy end of human reproductive variation will have shorter gestation and lower birth weight, will mature more quickly, and will be more sexually promiscuous than others overall. Additionally, because dispositions are genetic, humans with a propensity to r-strategies should have biological parents with the same propensity and families with large numbers of biological siblings and higher rates of neglect and/or abuse than the general population or than other groups in comparison. Within human populations, males as opposed to females, antisocial as opposed to social personalities, and African as opposed to other ancestries are seen to manifest r-traits and therefore are thought more likely to engage in r-strategies (including criminal behavior).

r/K and Race

Psychologist and behavioral geneticist J. Philippe Rushton is one of the leading proponents of racial

differences in physical and behavioral traits according to r/K theory. Evidence for this position comes from trait differences across three major racial ancestries: Black African, White European, and East Asian.

This position starts with the assumption that human life evolved from the great apes found in the tropical environments of Africa. This environment is relatively unstable, prone to extreme weather, disease, and predators. Such characteristics are more evolutionarily favorable to an r-strategist who can reproduce quickly and does not rely on stability and long-term investment in offspring to ensure the continuation of the species. However, once some humans migrated out of Africa, their environment changed and evolutionary adaptations resulted in order to propagate survival. Humans who moved to Europe, and later Asia, found environments better suited to K-strategists—regular patterns of weather, along with less disease and fewer predatory animals. Additionally, two negative environmental characteristics fostered long-term planning, namely, periods of cold weather and less-abundant food sources. All of these new environmental factors required an evolution of mental capacities in order to plan long-term survival. Human populations outside of tropical Africa could not simply rely on a rapid rate of reproduction to ensure survival, but rather would have to learn new techniques (tools, farming, social support structures). The mental evolution shifted these populations toward more K-strategies than Africans had, but at the cost of the physical advantages still found in r-strategy African populations (quicker growth, athleticism, higher sexual hormones, etc.). This position concludes that racial differences should be exhibited according to this migratory and evolutionary pattern, such that African ancestries will have r-traits and be predisposed to r-strategies while Asian ancestries will have K-traits and be predisposed to K-strategies, with Europeans located in the middle of this scale (though closer to the K-traits and K-strategies because their split with Asians occurred recently in the evolutionary past and Europeans faced more common conditions with Asians than with Africans).

Evidence of physical and anthropological differences between these racial groups has been documented for over a century. Various studies have suggested that African ancestries possess more r-traits than other racial groups on average, whereas Asians possess the fewest of these traits, with those of European ancestries falling between the two other races. Traits noted in support of race differences, in addition to general biological r-strategies previously mentioned, include the following:

- Brain size and IQ scores, with Africans lowest and Asians highest
- Degree of cultural and organizational achievements (societal complexity, architectural prowess), with Africans less than both Europeans and Asians
- Sexuality (rate of twin births, hormone levels, size of sexual characteristics, promiscuity, rate of sexually transmitted diseases), with Africans highest and Asians lowest
- Personality features such as aggressiveness and impulsivity, highest in Africans and lowest in Asians
- Health issues (mental stability, resistance to disease, and life expectancy), with Africans lowest and Asians highest
- Family characteristics, including more siblings, weaker bonds, weaker supervision, and higher rates of child abandonment, found most often in African ancestries and least often in Asian ancestries

It should be noted again that advocates of this perspective see these traits in the aggregate and recognize that extreme examples of these traits can be found in all races.

r/K, Race, and Crime

r/K theorists believe the theory explains why African Americans have higher rates of criminal offending than Whites and why Asian American rates are lower than White offending rates within the United States. Additionally, advocates of this position suggest that global data support this hierarchy of criminal offending across cultures. Rates of offending are a matter of self-selection based on genetic traits and environmental adaptation—criminality is an r-strategy behavior rooted in impulsivity, lack of control, and immediate gratification (r-traits), so racial groups that manifest

more r-traits on average will therefore manifest r-strategy behaviors. Crime also serves to independently undermine K-strategy principles necessary for organizing familial and societal structures. Accordingly, populations with African ancestries are less likely, on average, to be predisposed to follow rules that enforce self-control and delayed gratification.

Criticisms of r/K Theory and Racial Applications

The rise of r/K theory and its application in criminology has not been without criticism. As with many biological theories of crime, especially those incorporating a race-specific typology, there is a concern regarding criminal determinism. The dangers of broad generalization and stereotyping are acknowledged by this theory, and the common defense is that the theory's postulates fit the facts without making value judgments. While this theory attempts to incorporate environmental considerations, the primary focus is on genetic differences manifesting in both physical and behavioral traits and thus ignores alternative hypotheses related to societal structure and culture. It can be argued that this theory suffers from an embarrassment of riches in that rates of criminal participation should be considerably higher within African populations given an average r-strategy disposition.

Empirical evidence for this theory is mixed. Although anthropological and behavioral differences between races have been discovered, issues related to sample selection for measurement, racial interbreeding, and environmental effects on development (such as prenatal and postnatal nutrition) have yet to be fully accounted for in the causal relationship. Numerous studies have detailed racial differences in criminal behavior, but the most comprehensive and systematic studies of race and crime have been conducted in predominantly White countries, thus potentially confounding biological and social effects. In addition, it can be suggested that this theory confuses crime and criminality—high rates of criminal activity are cited as direct evidence of heightened propensity in comparison to other races, without accounting for differential opportunity structures.

The logical extension of this theory in race and crime, if correct, creates a question left unanswered for now: How will modern society affect the evolutionary trends? The genesis of r-strategies is biological, whether as a species on the whole or a subgroup within a species. It is a genetic compulsion perpetuated by evolutionary advantage in an environment. However, modern societies often have degrees of racial intermixing and reproduction within the same environment; additionally, it can be argued that the impact of environment on basic survival and evolution has been reduced through technology, allowing for possibilities not previously possible in nature. If crime is a function of r-strategy, is it possible that modern society will make r-traits an evolutionary dead end and thus breed crime out? Or may modern society intercede in natural selection and create a setting where r-strategists can survive through protection from natural weaknesses (low birth weights, shorter life spans, susceptibility to disease) that would potentially eliminate such groups in an environment favoring K-strategists? Given the pace at which such evolutionary trends are hypothesized to take place in human beings, it is unlikely such answers will come anytime soon if at all, making improbable a full assessment of the veracity of the theory's claims regarding race and crime.

Sean Goodison

See also Biological Theories; Conservative Criminology; General Theory of Crime; IQ; Myth of a Racist Criminal Justice System; Racism

Further Readings

Ellis, L., & Walsh, A. (1997). Gene-based evolutionary theories in criminology. *Criminology*, *35*, 229–276.

Rushton, J. P. (2000). *Race, evolution, and behavior: A life-history perspective*. Port Huron, MI: Charles Darwin Research Institute.

Roper v. Simmons

Racial discrimination in the imposition of the death penalty continues as a subject of controversy within the criminal justice system. In

2004, juveniles who were members of ethnic/racial minorities were disproportionately sentenced to death. But in 2005, the issue of race in such cases became moot as a result of the Supreme Court's ruling in *Roper v. Simmons*. The issue for the Court to decide was whether the meaning of "cruel and unusual punishment" was to remain unchanged since the adoption of the Bill of Rights in the 18th century or whether it should be defined by current events and a new consensus in the United States or among nations. This question had been presented to the Supreme Court numerous times from different perspectives. In *Roper v. Simmons*, the Court was asked to decide whether executing an individual for a murder committed when he was 17 constituted cruel and unusual punishment in violation of the Eighth Amendment to the Constitution. In a 5–4 decision, the justices determined that the imposition of the death penalty in such a case was indeed cruel and unusual and thus violated the Eighth Amendment prohibition.

The Facts

The defendant, Christopher Simmons, a high school student in Missouri, was 17 years old when he and two friends, Charles Benjamin (age 15) and John Tessmer (age 16) talked about committing a burglary and a murder. Simmons told his friends that he wanted to kill someone and assured them that they could "get away with it" because they were considered minors. As part of their plan, they met at 2:00 a.m. on the morning of September 9, 1993. Tessmer left the meeting before Simmons and Benjamin set out for the home of Shirley Crook. Simmons was able to unlock the back door through an open window. Benjamin and Simmons walked through the house and up to Crook's bedroom. As they had planned, they used duct tape to cover her eyes and mouth and bind her hands. They drove Crook's minivan to a state park, where they bound the victim even further with duct tape and electrical wire. They took her from the vehicle to a railroad trestle over the Meramec River and threw her over the side into the river, where she drowned.

Later that day, Steven Crook returned home, found his bedroom in disarray, and called police to report that his wife was missing. In the afternoon, Shirley Crook's body was recovered from the river by fishermen. By the time of the recovery, Simmons had already been bragging about having killed Crook, telling his friends that he killed her because she had seen his face.

By the next day, police had received information about Simmons's activity; they went to his high school and placed him under arrest. Simmons waived his rights and proceeded to answer questions from the police. Within 2 hours, Simmons had confessed to killing Crook. The police took him to the crime scene, where Simmons performed a reenactment of the crime that was videotaped by the police. Simmons was charged as an adult with burglary, kidnapping, stealing and murder in the first degree. Tessmer was charged with conspiracy to commit murder, but the charges were dropped in return for his testimony. The state introduced the statements that Simmons had made both before and after the crime, his confession, and the video recording of the reenactment of the crime. Simmons's attorneys did not call any witnesses during the guilt phase of the trial. However, they did present information indicating that Simmons did not have any prior charges against him and had a clean record. Family and friends talked about his character, their relationships with him, his age, and, among other things, his capacity to love; they pleaded for mercy. But the jury also heard from Shirley Crook's family and the devastation that her horrible death had caused. Accepting the jury's recommendation, the trial judge imposed the death penalty.

After obtaining a new attorney, Simmons filed an appeal alleging ineffective assistance of counsel during his trial. His new counsel attempted to show that there was information about Simmons that should have been raised during the trial by counsel that could have had an effect on the outcome. His counsel argued that numerous mitigating points should have been raised during the trial, including that Simmons was immature, susceptible to manipulation, a poor student, absent from home for long periods, and an abuser of drugs and alcohol. The case was appealed in the Missouri courts. The courts did not find that there were any constitutional violations regarding the alleged ineffective assistance of counsel. An appeal to the U.S. Supreme Court was denied (see *State v. Simmons*, 1997).

Prior Case Law

In *Thompson v. Oklahoma* (1988), the U.S. Supreme Court, in a plurality opinion, stated that the "standards of decency do not permit the execution of any offender under the age of 16 at the time of the crime." It noted that the last execution of a juvenile under 16 occurred in 1948. A year later, in *Stanford v. Kentucky* (1989), the Supreme Court held that the Eighth Amendment did not forbid the execution of youth between the ages of 16 and 18, and that there was not at that time a "national consensus" that this would be "cruel and unusual punishment." In that same year, the Court decided *Penry v. Lynaugh* (1989). The defendant in this case was 22 with an IQ of 54. He was found responsible for the rape and murder of Pamela Carpenter in Texas. The Court concluded that the Eighth Amendment did not preclude the imposition of capital punishment for the mentally retarded. Writing the majority opinion, Justice O'Connor noted there was not a "national consensus" opposed to the execution of the mentally retarded. It was believed that mental retardation should only be a mitigating factor in a capital punishment decision. It is the issue of a "national consensus" that was a major factor when the Court decided *Atkins v. Virginia* (2002).

In *Atkins v. Virginia,* the Supreme Court again addressed whether it was "cruel and unusual punishment" to execute a mentally retarded individual. In this case, the Court noted that the societal standards of decency had evolved since its decision in *Penry v. Lynaugh*. The Court now held that the Eighth and Fourteenth Amendments to the Constitution prohibited a state from executing a mentally retarded individual (*Atkins v. Virginia*, 314–315). It was because of this decision, reflecting an apparent change in the national consensus, that the attorney for Simmons filed a new appeal with the Missouri Supreme Court. His attorney reasoned that because Simmons was only 17, a juvenile, when the crime occurred and the Court now indicated that the Constitution's Eighth Amendment prohibited the execution of a juvenile as a "cruel and unusual punishment," Simmons's sentence should be reviewed.

The Missouri Supreme Court agreed with Simmons in *State ex. rel. Simmons v. Roper* (2003) (*en banc*), and it ignored the U.S. Supreme Court's earlier decision in *Stanford v. Kentucky*. It held that

> a national consensus has developed against the execution of juvenile offenders, as demonstrated by the fact that eighteen states now bar such execution for juveniles, that twelve other states bar executions altogether, that no state has lowered its age of execution below 18 . . . that five states have legislatively or by case law raised or established the minimum age at 18, and that the imposition of the juvenile death penalty has become truly unusual over the past decade.

The opinion of the Missouri Supreme Court did not agree with the U.S. Supreme Court's decision in *Stanford v. Kentucky*; the Supreme Court granted a *Writ of Certiorari* (2004) to review the Simmons sentence. After hearing the case, it affirmed the decision of the Missouri Supreme Court.

The Court's Ruling

In this case, the Supreme Court took a bold step in deciding that it was "cruel and unusual" to put a juvenile, who was 17 at the time of the crime, to death. Although Justice O'Connor had written for the majority in *Stanford v. Kentucky,* she wrote a dissenting opinion in this case.

The Court relied on several factors in reaching its opinion. It recognized that there was an evolving societal standard both within the United States and among other Western nations. It observed that there was a direct parallel between the movement against the death penalty for the mentally retarded and opposition to the execution of juveniles under the age of 18. The Court indicated that a majority of the states now reject the death penalty for juvenile offenders. It recognized three general differences between juveniles and adults: (1) Juveniles may exhibit a lack of maturity and an underdeveloped sense of responsibility (*Johnson v. Texas*, 1993), (2) juveniles are more susceptible to pressures (*Eddings v. Oklahoma*, 1982), and (3) a juvenile's character is not fully formed. The Court also questioned whether the possible imposition of the death penalty actually had a deterrent effect on juveniles and noted that it was a "disproportionate punishment" for someone under 18.

The Court also looked at the treatment of juveniles regarding capital punishment in the world community. It noted that the respondent and several *amici* briefs indicated that Article 37 of the United Nations Convention on the Rights of the Child prohibited capital punishment for crimes committed by juveniles and was ratified by every country with the exception of the United States and Somalia. The United Kingdom, the source of the U.S. Constitution's Eighth Amendment, prohibited the capital punishment of anyone under the age of 18 when the crime was committed.

There were two dissenting opinions. Justice O'Connor wrote that the evidence before the Court failed to reflect a "national consensus" against the capital punishment of 17-year-old offenders, since the Court upheld the constitutionality of that practice in *Stanford v. Kentucky*. Although Justice O'Connor noted that the Eighth Amendment standards on "cruel and unusual punishments" are evolving, she felt that it was improper for the Court to substitute its judgment in place of the nation's legislatures.

In his dissent, Justice Scalia was critical of how the Court could determine that the "national consensus" regarding the imposition of the death penalty for those between the ages of 16 and 18 could have changed so dramatically in the 15 years since *Stanford v. Kentucky*. He indicated that the amendment regarding "cruel and unusual punishments" was originally intended to describe those punishments that were "not authorized by common law or statute." With that reasoning, he wrote, "The death penalty for under 18 offenders would easily survive (review)." He determined that the Court "wrongly rejected a purely originalist approach to our Eighth Amendment."

The Eighth Amendment continues to remain active in U.S. courts. On April 16, 2008, the Supreme Court decided that a particular form of lethal injection that is used by 30 of the states as a form of execution did not violate the ban on "cruel and unusual punishments." In *Base et al. v. Rees, Commissioner, Kentucky Department of Corrections, et al.* (No. 07–5439), the Supreme Court affirmed the ruling of the Kentucky Supreme Court, holding that the protocol of drugs used "does not violate the Eighth Amendment because it does not create a substantial risk of wanton and unnecessary infliction of pain, torture, or lingering death."

Keith Gregory Logan

See also Death Penalty; Juvenile Crime; Sentencing; Violent Juvenile Offenders

Further Readings

Atkins v. Virginia, 536 U.S. 304 (2002).
Base et al. v. Rees, Commissioner, Kentucky Department of Corrections, et al., No. 07-5439 (2008).
Eddings v. Oklahoma, 455 U.S. 104, 115 (1982).
Johnson v. Texas, 509 U.S. 350, 367 (1993).
Penry v. Lynaugh, 492 U.S. 302 (1989).
Roper v. Simmons, 543 U.S. 541 (2005).
Stanford v. Kentucky, 492 U.S. 361 (1989).
State ex. rel. Simmons v. Roper, 112 S.W.3d 397, 399 (2003) (*en banc*).
State v. Simmons, 944 S.W.2d 165, 169 (*en banc*), cert. denied, 522 U.S. 953 (1997).
Streib, V. L. (2005). *The juvenile death penalty today: Death sentences and executions for juvenile crimes, January 1, 1973–February 28, 2005* (Issue 77). Ada: Ohio Northern University. Retrieved September 25, 2008, from http://www.law.onu.edu/faculty_staff/faculty_profiles/coursematerials/streib/juvdeath.pdf
Thompson v. Oklahoma, 487 U.S. 815 (1988).
Writ of Certiorari, 540 U.S. 1160 (2004).

Rosewood, Florida, Race Riot of 1923

Over the course of 6 days in January of 1923, the predominantly Black town of Rosewood, Florida, was mobbed by Whites from surrounding areas, and the entire town was burned to the ground. In February of that year a grand jury found insufficient evidence to prosecute, and the truth behind this atrocity lay dormant for decades. Finally, in the early 1990s there was an attempt to retrieve the truth. Many of the recorded stories are conflicting; the anecdotal accounts of White individuals differ from the accounts of Black individuals, but some facts have been established. In 1994, Florida Governor Lawton Chiles signed legislation that would compensate Black victims and their families for past racial violence. This entry examines the

history of the incident at Rosewood, and then, Rosewood's renewed significance in a more recent public policy decision in the state of Florida.

History of the Rosewood Riot

Rosewood in 1923 was a relatively small community (approximately 350 people) that had three churches, a train station, a Black Masonic hall, and a school. The closing of a local pencil mill in 1890 had led to an exodus of White families, so that by around 1900 the remaining population was almost entirely African American. Until the events of 1923, most Rosewood residents found employment in the nearby town of Sumner, where a large saw mill was located.

The full conflicting story of the Rosewood Riot (also called the Rosewood Massacre) has only been recently documented in 1993 by a group of Florida professors and graduate students at the behest of the Florida Board of Regents. Prior to this time, it had been reported in 1923 by the Associated Press but not pursued by investigative journalists; since then the story had been passed on through word of mouth by those who had experienced or witnessed it. What had actually occurred remained for a long time a partial mystery, even considered by some to be a myth because of the conflicting nature of oral histories as told by Blacks versus those told by Whites.

The chain of events that occurred during the first week in January 1923 reportedly began with an incident on New Year's morning with an assault on a married White woman, Fannie Taylor, at her home. According to many Whites in Rosewood, this crime was supposedly perpetrated by a Black man and included rape; some accounts added that she was robbed as well.

Another version of the tale, as recalled by Blacks in the community, was that a White man had entered the Taylor house that morning who was supposed to have been Fannie's illicit lover. During a quarrel he physically assaulted her. Her husband returned home around noon to find his wife apparently beaten. To keep him from finding out about her affair, she allegedly told her husband that it was a Black man who had assaulted her.

Whatever the truth may have been, it is the former version of the story that was quickly spread and was deemed to be true by the White community of Sumner. Levy County Sheriff Walker immediately organized a search for the supposed offender, who was alleged to have fled in the direction of Gulf Hammock, a swamp. A large search party consisting of both officers and residents was described by some as "out for blood." Accounts of the ensuing events, although somewhat muddled, yielded the following summary.

At the time of the search, a man named Jesse Hunter was identified as a suspect. Meanwhile, White vigilantes from the surrounding area decided to take matters into their own hands and stormed into the town of Rosewood. Because Jesse Hunter had allegedly been seen in the company of Sam Carter, the group set out for Carter's home. Carter admitted being in the company of a wanted man, but did not specifically name Hunter. Other accounts place Carter with the White man who had been seen leaving Fannie Taylor's house. According to one version of events, Carter led the posse to a spot where he alleged that he had last seen the fugitive, but the bloodhounds with the posse were unable to pick up any scent. Now dissatisfied and furious, members of the mob tortured Carter, shot him repeatedly, and then lynched him.

According to the account published in the newspaper, Carter was found dead on the road. Black families maintained, however, that he had been shot and hanged in Rosewood. Nevertheless, a six-man jury convened on January 2 concluded that Sam Carter was found dead and shot by an unknown assailant.

According to another account, Fannie Taylor's White lover had fled to Sam Carter's house to seek assistance. Both men were allegedly members of the Freemasons, a brotherhood that reaches beyond racial boundaries. Carter agreed to help the White man, and together they went to the home of Aaron Carrier, also a Mason, who gave him food; Carter and Carrier then took him into Gulf Hammock, where he escaped in a boat.

A slightly differing account states that the White man first went to Carrier's house and then Carter's before the escape, but the remaining events were the same. Omitted from newspaper accounts was that earlier that afternoon another Black man had been harassed and beaten but survived; this man was Aaron Carrier, who, it is said, fled Rosewood after the incident. It is reported that after these

events, the posse confronted Sylvester Carrier (Aaron's cousin) and ordered him out of town. He instead went to the home of his mother, Sarah Carrier.

On January 4, White vigilantes took to Rosewood, again on rumors of Blacks congregating and plotting. They gathered at Sarah Carrier's house, owing to Sylvester Carrier's having failed to obey the order to leave town and in response to rumors that he been making comments about the Fannie Taylor incident. The newspaper account reported that the Blacks inside the Carrier house had opened fire on the vigilantes; other accounts had Whites firing the first shots. The violence resulted in a Black woman (Sarah Carrier) and two White men being killed; others were reported killed, and several others wounded. Descendants of the Carriers report that Sylvester Carrier escaped and many years later died in Texas. The havoc continued well until the early hours of January 5. The story started spreading quickly, and the Alachua County sheriff was requested to respond along with other officers.

The violence continued as vigilantes burned the Carrier house to the ground and then wreaked havoc on the town. A Black church and five houses were burned, and a Black woman, Lexie Gordon, was shot and killed. It was said that she was trying to flee her house after it had been set on fire. This placed the official death toll at six. The role of law officials at this point remains unclear. In addition at this time, terrified Black residents started to flee from Rosewood into the nearby swamp.

The violence continued on January 5. Many Whites—an estimated 200 to 300—descended on Rosewood. Another Black victim, Mingo Williams, was killed on Friday afternoon after he unluckily encountered the White mob. At this point, Sheriff Walker told the Associate Press reporter that the violence would continue because relatives of the Black victims were armed and would potentially retaliate. The Alachua County sheriff, however, returned to Gainesville Friday afternoon because he thought the local sheriff could control the situation. According to newspaper accounts, Sheriff Walker sent a telegram to the Florida governor and told him the situation was under control; consequently, the National Guard was not deployed.

Another death also occurred Friday after the Alachua County sheriff had already decided to leave; the victim was James Carrier, one of the men who had been inside the house Thursday night. He reportedly left his hideout in the woods, and when he emerged he was questioned, tortured, and then shot.

Many Rosewood residents remained in hiding in the swamps, still afraid of the mob; others reportedly evacuated on January 6 on a train to Gainesville. On Sunday, January 7, an estimated 100 to 150 Whites descended on Rosewood again and burned the remaining structures to the ground. Accounts differ as to how many were killed, but the final reported death toll was eight. The number of homes destroyed was 18, and the residents of Rosewood who had fled would never return. Finally, on February 15, a grand jury found insufficient evidence to prosecute anyone for the Rosewood riot.

In 1994, the Florida State Rosewood Claims bill awarded survivors and their descendants monies for the wrongs that were imposed upon them and for the burning of their town. Residents and descendants who were evacuated also received some compensation. As of 2007, 5 of the 10 known survivors were reportedly still alive; there are an estimated 400 descendants.

Rebecca Hayes

See also Chicago Race Riot of 1919; Detroit Riot of 1967; Harlem Race Riot of 1935; Los Angeles Race Riot of 1965; Los Angeles Race Riots of 1992; Miami Riot of 1980; Race Riots; Tulsa, Oklahoma, Race Riot of 1921; Zoot Suit Riots

Further Readings

Displays for Schools. (n.d.). *Remembering Rosewood*. Retrieved May 31, 2007, from http://www.displaysforschools.com/history.html

Jones, M. D., Rivers, L. E., Colburn, D. R., Dye, R. T., & Rogers, W. R. (1993). *A documented history of the incident which occurred at Rosewood, Florida in January 1923*. Tallahassee: Florida State Archives. Retrieved September 28, 2007, from http://www.displaysforschools.com/rosewoodrp.html

Scarface Myth

The Scarface myth refers to a set of beliefs about the violent and crime-prone nature of a specific group of Cuban immigrants, known as Marielitos. The myth gets its name from the character of Scarface, portrayed by Al Pacino in the 1983 film of that name directed by Brian De Palma. Although the Scarface myth emerged nearly 25 years ago, it remains a relevant topic for criminologists because as national rates of immigration have increased, a similar set of beliefs has been applied to foreign-born groups more generally.

Approximately 125,000 Marielitos relocated to the United States from Cuba during a period of relaxed immigration standards authorized by the Cuban government in the early 1980s. They were called Marielitos because the port of origin for most of their boats was Mariel, in northern Cuba. The fact that a portion of the arriving immigrants were involved in the criminal justice and/or mental health systems in Cuba was seized upon by news and media outlets in Miami (Florida) and across the country. This information led many to conclude that the Marielito population included a disproportionate number of violent criminals. This entry examines the Scarface myth in the context of historical reactions to immigration and describes its continued importance to the study of immigration and crime.

It is certainly true that the emergence of the Scarface myth was a response to a specific pattern of immigration and circumstances in Miami and, to a lesser extent, the patterns of immigration to the United States during this period. It is possible to interpret the particulars of the myth as an isolated response to a particular wave of immigrants. However, taking a broader historical perspective, it appears that the sentiment advanced by the Scarface myth, which focuses on the criminality of newcomers, is a relatively common response to immigration. Indeed, immigration opponents have argued about the perils of the "criminal aliens" for over a century. For example, some scholars contend that immigration has been a principal factor in surges in levels of national crime across various historical periods. Similarly, researchers also point out that dating back more than 150 years, anti-immigration proponents have often claimed that immigration is a sufficient condition to cause increases in levels of criminal deviance. When placed in a comparative context, the evidence suggests that perhaps the more recent Scarface myth represents a new incarnation of an established practice of influencing public perceptions regarding immigration.

Since the Mariel boatlift in 1980, the size of the foreign-born population in the United States has grown exponentially. In addition, as the immigrant population in this country has become increasingly diverse, elements of the Scarface myth are still advanced by the mainstream media. One notable difference, however, is that current representations relating to immigration and crime are no longer restricted to largely fictional portrayals (i.e., movies, television). Instead, politically based talk shows, on both radio and television, offer a new vehicle by

which the myth's support for the immigration–crime link is disseminated. Reports issued by media-monitoring agencies have documented the fact that it is common for television and radio personalities to discuss the criminal and noncriminal deviance of immigrants. Although such claims have been criticized for their factual inaccuracies, the use of these journalistic and nonfictional outlets represents a relatively new mechanism for promoting popular and long-standing beliefs about immigration.

The beliefs about the crime-producing effects of immigration remain strong, despite the quantitative evidence to the contrary. Most of the research on the link between immigration and crime with respect to the Scarface representations of Marielitos has examined patterns of violence in Miami. A consistent finding reported in this body of research is that the presence of recent immigrants is inversely associated with levels of lethal violence. In fact, communities with higher numbers of recent immigrants tend to have lower levels of lethal and nonlethal violence.

A negative impact of immigration on criminal deviance is also reported in research that focuses on other immigrant destination cities. Indeed, findings such as these have led some researchers to take seriously the notion that immigration may impact broader crime trends. For example, Harvard University criminologist Robert J. Sampson recently speculated that immigration may be partially responsible for the recent decreases in national levels of violent criminal behavior. Although this hypothesis has yet to be tested empirically, it raises questions about the accounts of the relationship between immigration and crime as presented in both the Scarface myth and criminological theory.

Research suggests that the Scarface myth has endured despite, or perhaps because of, the arrival of large numbers of foreign-born individuals. Indeed, it appears that current high rates of immigration generate support for the notion that increases in levels of violence will be a natural outcome, a response not entirely unlike the one that stemmed from the arrival of the Marielitos. Moreover, to the extent that previous practices offer insight into future trends, recent immigrants will continue to be perceived as possessing a similar set of criminogenic qualities, thus contributing to the enduring quality of the Scarface myth.

Jacob I. Stowell

See also Immigrants and Crime; Immigration Legislation; Media Portrayals of African Americans; Media Portrayals of Asian Americans; Media Portrayals of Latina/o/s; Media Portrayals of Native Americans; Media Portrayals of White Americans

Further Readings

Chácon, J. A., & Davis, M. (2006). *No one is illegal: Fighting racism and state violence on the U.S.-Mexico border*. Chicago: Haymarket Books.

Martinez, R. (2002). *Latino homicide: Immigration, violence, and community*. New York: Routledge.

Martinez, R., & Valenzuela, A. (Eds.). (2007). *Immigration and crime: Race, ethnicity, and violence*. New York: New York University Press.

Sampson, R. J., & Bean, L. (2006). Cultural mechanisms and killing fields: A revised theory of community-level racial inequality. In R. Peterson, L. Krivo, & J. Hagan (Eds.), *The many colors of crime: Inequalities of race, ethnicity and crime in America*. New York: New York University Press.

Stowell, J. I. (2007). *Immigration and crime: Considering the direct and indirect effects of immigration on violent criminal behavior*. New York: LFB Scholarly.

School Shootings

The term *school shootings* typically refers to events in which a student at an elementary, middle, junior, or high school shoots and injures or kills at least one other student at school during the school day. They are typically characterized by multiple deaths. Rampage school shootings are a type of school shooting where no single or specific individual is targeted by the shooter.

School shootings are neither new nor common. However, the threat they pose within institutions that are supposed to educate and keep our youth safe, along with the intense media attention to these shootings when they occur, has resulted in heightened awareness and an unrealistically elevated sense of threat among parents, youth, and the general public. Significantly, whereas many of the early journalistic and scholarly writings on the patterns of school shooters and shootings identified social rejection, bullying, gun availability, and

the rampant consumption of violent media as the key risk factors, the roles of race, gender, and class were almost completely ignored despite their profound consistency: The early reports on school shootings failed to account for the overwhelming pattern that the shooters have been almost entirely White males in rural and suburban schools.

This entry highlights the fact that school shootings are perpetrated almost exclusively by White, middle-class boys in suburban or rural communities and explores intense bullying in White communities as an explanation for these shootings. It also addresses the racist manner in which these school shootings are typically interpreted by researchers, the media, and the public.

Sites of School Shootings

The 1990s were a pivotal point in the history of U.S. school shootings, with high-profile occurrences in small towns (e.g., Pearl, Mississippi, in 1997; West Paducah, Kentucky, in 1997; Springfield, Oregon, 1998; Jonesboro, Arkansas, in 1998; Conyers, Georgia, in 1999), affluent communities (e.g., Littleton, Colorado, in 1999), and even some elementary and middle schools (e.g., Moses Lake, Washington, in 1996; Fort Gibson, Oklahoma, in 1999). These shootings challenged popular stereotypes and assumptions that schools in urban, poor, and largely African American neighborhoods were the most dangerous.

Risk Factors for School Shooters

For obvious reasons, the primary concern in most of the journalistic and scholarly investigations of school shootings focuses on identifying the major risk factors for becoming a school shooter. Most scholarly studies identify extreme social rejection and (verbal and physical) bullying as key risk factors. Social rejection, perpetrated by peers, often includes romantic rejection. Bullying can take numerous forms, both verbal and physical, and is heavily characterized by actions and words to humiliate the victim. In addition to social rejection and bullying, other research-identified risk factors include the availability of guns and the consumption of violent media (especially violent video games, but also violent music, television shows, and films).

Significantly, a more recently identified risk of would-be school shooters is bullying and social rejection that challenges boys' masculinity, particularly in the form of "gay-baiting." Notably, despite the homophobic labeling and taunting, research indicates that none of the gay-baited school shooters actually were gay. In addition to gay-baiting, other masculinity-driven taunting of boys who became shooters includes mocking these boys' physical bodies with labels such as scrawny, little, short, fat, skinny, chubby, and small. Shooters are often the most bullied male members in the school, and the primary bullies of future school shooters are often the most popular male youth in the school, often the male athletes and "preppies." Thus, it is hardly surprising that when these bullying victims became shooters, they often attack the popular males who bullied them. However, they are also likely to attack others with low status in the school, such as girls and students of color, and it is not unusual for school shooters to espouse racist (e.g., Nazi) dogmas.

Notably, the preponderance of school shooters as White boys in rural and suburban schools is associated with a focus on the shooters' individual psychological problems rather than on their race (and often class), as often occurs when people of color (regardless of gender) offend. Stated differently, when urban African Americans kill, their violence is often normalized as cultural, whereas when White middle-class and rural boys commit school shootings, their acts are viewed as stemming from the individuals' pathologies, not from their culture.

Media Portrayals of School Shootings

Research on media representations of school shootings suggests that in the case of White, rural school shootings, the media attempt to shock the readers and elicit sympathy for the victims in lengthy newspaper articles, whereas articles on urban shootings are shorter and portray urban crime as "reality." Furthermore, newspaper articles on shootings in chiefly White, rural locales are written in a manner more likely to foster sympathy for the shooters, whereas the articles on the Black, urban shootings are more likely to stress the need to pursue the shooters and hold them accountable.

Indeed, research on the White, affluent Columbine High School (Littleton, Colorado, in 1999) killers Dylan Klebold and Eric Harris indicates an empathetic view of these school shooters. They were often portrayed as hapless youth who were victims of a society inundated with violent video games and handguns, blocked from the entitlements their social status typically promised. Thus, it is hardly surprising that these bullied White boys who became school shooters attacked the social structure that had deprived them of the consideration and esteem their race, gender, and class typically guaranteed. Although Klebold and Harris shot White students, it is noteworthy that when they shot Black classmate Isaiah Shoels in the head three times, they shouted racist slurs.

In stark contrast is the media portrayal of a 1992 school shooting by Joseph White, a 15-year-old African American male who shot and killed another 15-year-old African American male and injured two other students at his Chicago high school. What was portrayed as another typical school shooting, except that it was in an urban school and the shooter was Black, was actually quite different. Unlike the bullied individuals in the White school shootings, this shooting was gang-related, with the shooter caught in the dynamics of race and place for youth growing up with gangs and guns in the South Side of Chicago. Unlike the more sympathetic portrayals of the White shooters in the suburban and rural school shootings, the press portrayed Joseph White's shooting as random and without provocation, although the resulting court case naming this young African American school shooter indicated the shooter was responding to the reality of the prevalent, dangerous youth and gang culture in which he lived. Thus, this youth's actions were framed through the lens of the high-profile White male school shootings, which were significantly different from his situation and with a different motivation for committing the shootings.

Race, Class, Gender, and School Shootings

How, then, do we explain the White, male, middle-class, suburban/rural pattern of the vast majority of school shootings? Retrospective research on African Americans reporting a positive relationship between racial discrimination/prejudice victimizations and subsequent self-reported violent behavior is inconsistent with the predominance of White, middle-class, male shooters. The vast majority of African American parents recognize the need to prepare their children to face not only bullying but also humiliating racist comments and acts from the dominant culture. African Americans frequently emphasize to their children that racist behaviors are wrong and that their children need not feel alone in their struggle. African American parents teach their children how to appropriately display and direct their anger resulting from racist humiliation and attacks.

Research on the actions of parents and school staff in the predominantly or exclusively White communities where the White, male, middle-class school shooters resided paints a very different picture. In contrast to African American parents' awareness that their children were likely to face racist humiliation and their advice and guidance on potential responses, research on parents and school staff in the White communities indicated that they offered little or no opportunity either to stop these youth's intense bullying victimizations or to help them process the emotions involved in such victimizations and identify strategies for responding. Because the boys were sometimes ashamed to report these violations of their masculinity, White parents and school staff were often ignorant of, or ignored, the daily demoralizing, humiliating, and taunting environments embedded in the school and community cultures where the White school shooters lived. These future school shooters were left to determine on their own how to negotiate their feelings of intense rejection and discrimination relating to their social standing in their schools and among their peers—they were on their own in defending their sense of self in the context of their often extreme physical and verbal bullying and severe personal humiliation.

Joanne Belknap and Tanya Greathouse

See also Juvenile Crime; Media Portrayals of African Americans; Media Portrayals of White Americans; Victimization, Youth; Violent Crime; Violent Juvenile Offenders

Further Readings

Cook, D. T. (2000). Childhood is killing "our" children: Some thoughts on the Columbine high school shootings and the agentive child. *Childhood, 7,* 107–117.

Hagan, J., Hirschfield, P., & Shedd, C. (2002). First and last words: Apprehending the social and legal facts of an urban high school shooting. *Sociological Methods & Research, 31,* 218–254.

Harding, D. J., Fox, C., & Mehta, J. D. (2002). Studying rare events through qualitative case studies: Lessons from a study of rampage school shootings. *Sociological Methods & Research, 31,* 174–217.

Kimmel, M. S., & Mahler, M. (2003). Adolescent masculinity, homophobia, and violence. *American Behavioral Scientist, 46,* 1439–1458.

Klein, J. (2006). Sexuality and school shootings. *Journal of Homosexuality, 51,* 39–62.

Leary, M. R., Kowalski, R. M., Smith, L., & Phillips, S. (2003). Teaching, rejection, and violence: Case studies of the school shootings. *Aggressive Behavior, 29,* 202–214.

Menifield, C. E., Rose, W. H., Homa, J., & Cunningham, A. B. (2001). The media's portrayal of urban and rural school violence. *Deviant Behavior, 22,* 447–464.

Moore, M. H., Petrie, C. V., Braga, A. A., & McLaughlin, B. L. (2003). *Deadly lessons: Understanding lethal school violence.* Washington, DC: National Academic Press.

Newman, K. S., Fox, C., Harding, D., Mehta, J., & Roth, W. (2004). *Rampage: The social roots of school shootings.* New York: Basic Books.

Poussaint, A. F. (1972). *Why Blacks kill Blacks.* New York: Emerson Hall.

Verlinden, S., Hersen, M., & Thomas, J. (2000). Risk factors in school shootings. *Clinical Psychology Review, 20,* 3–56.

Self-Esteem and Delinquency

Kiri Davis was 16 in 2005 when she reproduced a famous "doll test" in her amateur documentary, *A Girl Like Me*. Her documentary showed that 15 out of 21 Black children (71%) preferred to play with a White doll, commonly identifying the Black doll as the "bad" doll and the White one as the "nice" or "good" doll. Davis's results virtually mirror those of Kenneth Clark's doll test, conducted in the 1940s and cited in *Brown v. Board of Education* (1954).

Clark's telling results were used by the Supreme Court to reject the concept of "separate but equal" and to officially overturn racial segregation in public schools. Although Clark died unaware of Davis's recent findings, he predicted that present-day results probably would not vary. Unfortunately, he was correct. In a striking moment in Davis's experiment, one girl, after identifying the "bad" doll, sadly and slowly pushed the Black doll toward Davis, acknowledging it as the one that looked like herself. Historically, people of color are valued less by society and, as evidenced by Clark's and Davis's results, children are well aware of this fact.

Because self-esteem is highly valued in American society and thought to be a protective factor in life, the question becomes, Does self-esteem matter in the nexus between race and crime? This entry addresses the association between race and measures of self-esteem, discusses the complexity of the association through other points of social difference, and reviews connections among race, self-esteem, and criminal behavior.

Race and Self-Esteem

Self-esteem involves individuals' perception of their own worth, and higher self-esteem is viewed not only as desirable for individuals, but also as beneficial for society. Extreme levels of self-esteem, whether extraordinarily high or unsettlingly low, are often connected to various kinds of pathologies, including depression, low school achievement, early pregnancy, suicide risk, drug and alcohol abuse, and personality disorders. Measures of self-esteem traditionally have been based on experiences of Caucasian (typically, middle-class) populations. In the 1950s, researchers began to examine self-concepts that include race identity.

Self-esteem, as connected to racial identity, incorporates concepts of group self-esteem and personal self-esteem. Group self-esteem represents how an individual feels about their membership in a particular racial/ethnic group. Personal self-esteem alludes to how individuals feel about the self specifically. Historically, studies showed that members of minority groups express lower levels of self-esteem. This research was based on the assumption that Blacks were irreparably damaged

because of their legacy of slavery and racism. The Supreme Court cited Clark's "doll test" in *Brown* by emphasizing the connection between racial segregation and feelings of self-worth, claiming that segregating schoolchildren generates a feeling of inferiority that is difficult, if not impossible, for many to overcome. This landmark case indelibly marked the American landscape. However, few scholars would argue that race has ceased to be an issue today.

After the civil rights movement was under way and Blacks pushed back against overt discrimination, empirical findings on self-esteem were mixed. Some found that Blacks' self-worth was still depressed because of their consistently diminished status compared to Whites. Others claimed that some Blacks, especially youth, were socialized into a subculture of resistance and that a new focus on Black pride resulted in enhanced self-evaluations. Still others subscribed to a theory of alienation in which Blacks constantly find themselves on the margins of a society that undervalues Black life. (The scant research on self-esteem issues for other minority groups—most notably, Hispanics and Asians—is contradictory and fails to provide consistent conclusions.)

Most current evidence supports the association between Black identity and higher self-esteem, though inconsistent findings are associated with lower-class populations and adolescents. The broad trend is that Whites slightly surpass Blacks in self-esteem before age 10, the self-esteem of both races suffers blows through puberty, and then Blacks slightly surpass Whites by age 21. However, research findings are complicated and sometimes contradictory. For example, low-income Blacks show higher self-esteem than low-income Whites. The following section further explores these complications.

Intersectionality

Several reasons may account for conflicting findings between racial identity and measures of self-esteem, including measurement and other methodological inconsistencies (one should be suspicious of measures and models that do not account for cultural and structural differences). However, for purposes of this entry, this section focuses on various social factors—generally known as intersectionality—that complicate the relationship between race and self-esteem. That is, other points of social difference such as gender and social class interact with both race and self-esteem to produce qualitatively different experiences.

Regarding the gender–race intersection, studies of adolescent self-esteem tend to show that males have higher self-esteem than females. Explanations generally focus on body image (strength) for males and perceived math and science weaknesses for females. Further, there are gender-based disparities in levels of self-esteem within a racial class. For Black women, skin color is an important predictor of self-esteem, but for Black men it is not. The disadvantages of being dark-skinned were more prominently noted in the lower self-esteem of Black women compared with their male counterparts.

Minority females are not alone in experiencing low self-esteem, however. As most notably illustrated in *Bad Boys* by Ann Ferguson, Black adolescent males struggle to construct a sense of self when they are labeled as troublemakers early in their school years. Once young Black boys are labeled "bad" in school, they are segregated and treated as deviant; these circumstances elevate their risk for a criminal lifestyle. However, it should be noted that external factors, rather than a simple internal negative assessment, seem to be the causal mechanism. The racialized and gendered platform to which young Black males are exposed in schools across the United States continues to illuminate how various factors play a central part in developing, perpetuating, and shaping self-esteem.

Race, Self-Esteem, and Criminal Behavior

Several theories of crime consider low self-esteem to be a significant factor in various risk outcomes, including delinquent behavior. Most of these theories (almost all based on male populations) assume that self-esteem works as an "inner containment" that controls behavior. Once a child experiences significant failures and subsequent drops in self-worth, low self-esteem becomes a powerful source of aggression, which often results in violence toward others. Violence becomes a way to compensate for feelings of inadequacy, and a temporary surge in self-esteem often results. Some

researchers believe the cycle is usually temporary, whereas others have found a lasting positive relationship between delinquent behavior and self-assessment.

Typically, researchers identify one of three links between self-esteem and delinquency. The first claim is that low self-esteem weakens ties to society. According to a theory of social bonding, weakened social relationships decrease conformity to the norm, increasing delinquency. Second, a social psychology perspective predicts that a lack of positive self-regard is linked to psychological dysfunctions, including aggression. Third, a life-course perspective proposes that low self-esteem is linked to aggression in two ways: (1) Early feelings of inferiority via rejection and humiliation motivate aggression and (2) individuals protect themselves against these feelings of inferiority by externalizing responsibility for their failures, ultimately resulting in hostility toward other people. However, these connections develop within complex structural arrangements that produce both risk and protective factors. Generally, this body of literature supports the idea that links between self-esteem and delinquency are mediated by certain socially constructed categories, such as race, class, and gender.

Recent studies stress that self-esteem cannot stand alone in explaining criminality. Rather, the role of intervening factors must be closely examined. Consistent results emphasize the role of delinquent peers as a central intervening variable between self-esteem and delinquency, especially for youth, and this holds true for all races. In particular, several studies have found that low self-esteem does not increase delinquent associations or delinquent behavior. In contrast to earlier research, this subset of literature finds that when controlling for delinquent associations, delinquency actually reduces positive self-esteem, and most assert that a youth's association with delinquent peers is a stronger predictor of self-esteem than the actual delinquent behavior.

Despite generalities, gender differences are evident. For example, the effect of delinquent associations on self-acceptance is greater for girls than for boys. This may be because there is less tolerance for female delinquency compared to male delinquency, thus enhancing the effect of external influences. Additionally, girls are conditioned to place greater value on relationships and thus become more vulnerable to dating relationships and other intimate violence. Both sexes use various strategies to optimize ways in which they accomplish femininity and masculinity. In particular, boys "do gender" by emphasizing toughness and violence. Inevitably, these "doings" of gender become intertwined with self-competence.

Further, there appear to be significant race differences among men and among women in the context of the relationship between self-esteem and delinquency. African American men, often perceived as existing at societal margins, have more to prove and are more likely to live in areas where violence is expected. Among women, the causal processes for White females' risk factors focus on social-psychological factors (bonding, maturation, attitudes of self-esteem), whereas the same social-psychological factors exert weaker effects for Black women and delinquency. In fact, the more important factor for predicting criminality in Black women centers on structural indicators, such as education and opportunity. Theorists propose that self-esteem (a social-psychological factor) plays a greater intervening role for White women engaging in criminal behavior, as compared to Black women, who are more affected by structural processes.

There is no doubt that self-esteem plays an important role throughout life, especially for adolescents. However, it is important to keep in mind that concepts of self-worth do not override considerations of structural disadvantage. That is, simply feeling confident about one's self does not guarantee insulation from risky behavior.

Conclusion

Research cannot identify self-esteem as a singular causal mechanism connected to crime. Researchers still face great challenges in considering measures of self-competence and its connection to delinquency. Studies do demonstrate that self-esteem is embedded in structural factors such as racism, discrimination, and social disadvantage. In particular, studies must look at the ability of self-esteem to hook onto structural predictors such as peer associations, class, and gender. Low or high self-esteem, or even fluctuations in assessment, cannot account for the overrepresentation of Blacks in the criminal justice system.

Policy implications are particularly difficult because of the embeddedness of self-esteem with other structural factors, including minority relations. While the public and media may look for a scapegoat in recent incidents of violence, no clear answer is readily available. Kiri Davis's 21st-century doll test provides a good example of overreliance on individual-level factors. Although her results are just as shocking as Clark's results from the 1940s, the media snatched up her study as evidence of a pervasive self-esteem problem for racial minorities. Certainly, Black adolescents may face self-esteem problems that no other group faces in quite the same way. However, as documented in this entry, it is vital to consider external forces. Further, when addressing the nexus among race, crime, and self-esteem, it is important to consider both self-identity and racial identity. The results of the "doll test" cannot be ignored; the feelings of those young children come from somewhere. Although it is crucial to build self-esteem in children, it must be done while simultaneously dismantling inequitable structural walls.

L. Susan Williams

See also At-Risk Youth; Labeling Theory; Social Construction of Reality; Youth Gangs

Further Readings

Eitle, D., & Turner, R. J. (2003). Stress exposure, race, and young adult male crime. *Sociological Quarterly*, *44*, 243–269.

Mason, W. A. (2001). Self-esteem and delinquency revisited (again). *Journal of Youth and Adolescence*, *30*, 83–102.

Ross, L. (1992). Blacks, self-esteem, and delinquency: It's time for a new approach. *Justice Quarterly*, *9*, 609–624.

SENTENCING

Sentencing is the imposition of punishment. After a defendant pleads guilty to a crime or is convicted as the result of a trial, the focus shifts from prosecution to the sanctioning of guilty defendants. The judge imposes the sanctions on the defendant. The punishment of guilty defendants has philosophical justifications and occurs as the result of a codified process. Despite the philosophical justifications and structured process, some research suggests that there is disparity and discrimination in sentencing. The research findings helped spur a 30-year reform movement. Some of the reforms appear to be at least partially successful. Despite the success of some reforms, research continues to identify race-related sentencing disparity. A number of sentencing-related cases mark the legal landscape in the early 21st century, with the continuing goal of amending the sentencing process to ensure that it is consistent with the protections of the Constitution of the United States.

Philosophies of Punishment

The philosophies of punishment provide different answers to the questions of whether, how, and for how long to punish an individual. The five philosophies are retribution, deterrence, incapacitation, rehabilitation, and restoration/restorative justice. The answers derived from the philosophies of punishment have practical implications for sentencing policy and practice.

Retribution is premised upon the notion that criminals are guilty of the accused crimes and, therefore, deserve to be punished. The punishment is justified by the fact that criminals chose to engage in illegal behavior. Retribution is not geared toward preventing future crime but solely on sanctioning past behavior. The amount of punishment is determined through the principle of proportionality—the punishment assigned to offenders should be equal to the harm that they caused through their crimes. The punishment is determined by the seriousness of the crime and the culpability of the offender. The punishment does not have to resemble the crime.

Deterrence can be specific or general in nature. The purpose of specific deterrence is to dissuade a specific offender from committing future crimes, or recidivism. General deterrence is intended to prevent others from engaging in criminal activity similar to that of the offender by demonstrating the consequences associated with the crime. The amount of punishment should be only significant enough to

outweigh the benefits of the crime, and no more. Deterrence utilizes cost–benefit analyses to determine the quantity of punishment with the goal of crime prevention and is calculated through a balance of certainty, swiftness, and severity in punishment.

Incapacitation is the isolation of high-risk offenders in order to limit the opportunities that they have to commit additional crimes. Incarceration is the most popular form of incapacitation, but incapacitation also includes forms of home confinement and electronic monitoring, boot camps, and chemical castration for some sex offenders. The punishment should be proportionate to the risk posed by the offender; high-risk offenders should be punished more severely than low-risk offenders. One of the biggest criticisms of incapacitation is that it involves the assessment of dangerousness and the prediction of those offenders at the highest risk of recidivism. The determination of high risk and dangerousness is complicated—those who have committed the most serious offenses (murderers) are the least likely to repeat their offenses, whereas shoplifters and petty drug dealers are the most likely to repeat their offenses. If dangerousness and punishment are determined based on likelihood of recidivism, then shoplifters would be punished more harshly than murderers. Additionally, prediction can result in a high rate of false positives—treating people harshly because they have been deemed high risk when they may not have ever reoffended. These two scenarios present ethical problems.

Rehabilitation focuses on addressing offenders' treatment needs, thereby reducing the likelihood of recidivism. Rehabilitation is based on the assumption that there is some characteristic(s) that drives an offender's behavior. An assessment is needed to identify these characteristics and treatment needs, which may include substance abuse or mental health treatment, education, job training, or other forms of behavior modification. The amount of punishment/treatment should be based on offenders' needs and potential for reform. Rehabilitation is criticized on the grounds that it is difficult to determine true causal factors and design effective treatment programs.

Restoration/restorative justice is different than the other philosophies, which focus on punishing or treating the offender. The aim of restoration is to repair the harm done to the victim and his or her community and to repair the relationship between the victim and the offender. Advocates of restoration argue that this approach to punishment meets the requirements of justice and prevents the ostracism of offenders that can result in the traditional criminal justice system through the use of reintegrative shaming.

The Sentencing Process

After defendants are found guilty beyond a reasonable doubt through plea agreements or trial, they move to the sentencing phase. A plea agreement may include an agreed-upon sentence that is consistent with the offense(s) pled to and the designated range in sentencing statutes. The shift to determinate sentencing drastically reduced the practice of sentence bargaining. The judge generally imposes the sanctions agreed upon in the plea deal but is not required to do so. In misdemeanors and disorderly persons cases, defendants may plead guilty at the initial appearance and be sentenced immediately. Felony trial convictions involve a more complex sentencing process.

Upon conviction for felonies or serious misdemeanors that can result in periods of incarceration, a presentence investigation is completed by the probation office. The presentence investigation report includes information on the offense(s) of conviction, the defendant's role, background, prior record, and possibly an assessment of potential for reform. This report is submitted to the court for the judge's review prior to the sentencing hearing. Prosecutors and defense attorneys also receive a copy of the report.

The judge hears arguments from opposing counsel at the sentencing hearing. After oral arguments, the judge sanctions the defendant in a manner consistent with sentencing laws and with consideration toward the presentence report. Sentences may include periods of incarceration or a variety of alternatives to incarceration, such as probation, fines, community service, and restitution. Sentences often include multiple sanctions. The presentence report may also be used to sentence offenders who plead guilty but for whose cases judges have very limited information.

Capital cases use a bifurcated trial system. The first phase determines guilt. If the defendant is found guilty, then the case moves to a second phase during which the jury decides whether to impose the death penalty or a life sentence. The bifurcated trial system is intended to reduce the disparate, discriminatory, and capricious application of the death penalty.

Disparity, Discrimination, and Reform

Traditionally, the U.S. legal system utilized an indeterminate sentencing system. This system either allowed judges to craft sentences that were appropriate to individual offenders or allowed a conditional release authority to determine when offenders had been sufficiently reformed and ready for return to the community. This process naturally required discretion and often resulted in sentencing disparity. Disparity rooted in legally irrelevant sentencing or release criteria is discrimination.

Legally relevant sentencing criteria include the nature of the offense(s) of conviction, aggravating or mitigating factors, and the offender's prior record. Some jurisdictions allow for the consideration of community stability, employment history, and education. Sentences tailored for individual offenders vary based on the crimes, criminal history, and personal circumstances and may be desirable from a rehabilitative perspective.

Legally irrelevant sentencing criteria include race/ethnicity, sex, religion, socioeconomic status, political orientation, and sexual orientation. When any or all of these criteria are involved in the decision-making process, the sentencing differentials shift from disparity to discrimination; discrimination is unacceptable in all circumstances.

Research suggests the presence of sentencing disparity and discrimination based on a multitude of criteria. Racial discrimination remains one of the most problematic and persistent issues in the criminal justice system, generally, and in the sentencing process, specifically. Research highlights myriad manifestations of racial discrimination in sentencing ranging from systematic discrimination to contextual discrimination and individual acts of discrimination by judges. The research also highlights several origins of the discrimination beyond racist judges and prosecutors, including criminal laws that have a disproportionate and detrimental impact on racial and ethnic minorities, differential enforcement by police officers, and conditional release decisions by parole boards. Further confounding the situation is research that does not support findings of racial discrimination.

A sentencing reform movement began in the 1970s with a shift to determinate sentencing in the form of fixed sentencing schemes that prescribed particular sentences based solely on offense of conviction, offender criminal history, and the abolition of parole. The intent of these reforms was to reduce sentencing disparity and discrimination. A host of additional reforms followed these initial reforms.

Sentencing reforms include descriptive and prescriptive sentencing guidelines; mandatory-minimum sentences for drug, firearm, and habitual offenders; three-strikes-and-you're-out laws; and truth-in-sentencing laws. The intent of these reforms was to make sure that similarly situated offenders who commit similar offenses receive similar sentences and that they serve those sentences, thus reducing sentencing disparity. Some research suggests that racial disparity and discrimination have been reduced, whereas other research indicates that disparity and discrimination persist as reflected in the disproportionate representation of racial and ethnic minorities in U.S. jails and prisons. Any remaining racial disparity or discrimination is likely to be contextual or the result of an interaction effect because direct, systematic racial discrimination has been eliminated from the legal system.

Legal Developments

The 21st century has produced several important sentencing-related legal developments. The first set of cases starts with *Apprendi v. New Jersey* (2000), in which the Supreme Court of the United States held that any fact, besides criminal history, that increases the sentence beyond the statutory maximum must be presented and proved beyond a reasonable doubt to a jury. The *Apprendi* rule was applied in *Blakely v. Washington* (2004), establishing that failure to admit facts that increase the sentence beyond the statutory maximum for jury

deliberation violates the Sixth Amendment right to a trial by jury. This rule was subsequently applied to the federal sentencing guidelines in the consolidated matters of *United States v. Booker* (2005) and *United States v. Fanfan* (2005). In these cases, the Supreme Court of the United States held that the Sixth Amendment does apply to the federal sentencing guidelines and that the real conduct sentencing practice violates the requirement that all factors that increase the sentence beyond that in the guidelines must be submitted to a jury for consideration. The Court went on to state that the provisions of the Sentencing Reform Act of 1984 that make the guidelines mandatory are stricken from the act, and the federal sentencing guidelines are advisory to federal judges.

The second set of cases deals with special types of offenders. In *Atkins v. Virginia* (2002), the Court held that the execution of mentally retarded offenders is prohibited by the Constitution of the United States. The ruling was primarily attributable to the national consensus that had developed against the practice and to the idea that mentally retarded offenders operate with diminished capacity, which renders execution an excessive and unconstitutional punishment. The same reasoning was applied in *Roper v. Simmons* (2005), in which the Court held that the execution of individuals who were under the age of 18 when they committed their crimes is unconstitutional and thus prohibited.

These five cases and the reform movement dealt with ensuring that sentencing occurs as the result of a systematic process that is consistent with the protections of the Constitution of the United States, which should have the effect of reducing sentencing disparity.

Jennifer L. Lanterman

See also Disproportionate Incarceration; Sentencing Disparities, African Americans; Sentencing Disparities, Latina/o/s; Sentencing Disparities, Native Americans

Further Readings

Apprendi v. New Jersey, 530 U.S. 466 (2000).
Atkins v. Virginia, 536 U.S. 304 (2002).
Blakely v. Washington, 542 U.S. 296 (2004).
Roper v. Simmons, 543 U.S. 551 (2005).
Spohn, C. (2000). Thirty years of sentencing reform: The quest for a racially neutral sentencing process. In *National Institute of Justice: Criminal justice 2000*. Washington, DC: National Institute of Justice.
Tonry, M. (1995). *Malign neglect: Race, crime, and punishment in America*. New York: Oxford University Press.
United States v. Booker, 543 U.S. 220 (2005).
United States v. Fanfan, 543 U.S. 220 (2005).
Von Hirsch, A., & Ashworth, A. (1992). *Principled sentencing*. Boston: Northeastern University Press.

Sentencing Disparities, African Americans

There is a voluminous literature that seeks to address the impact of defendant race on sentencing outcomes. Although the manner and extent to which defendant race impacts sentencing outcomes has changed over time, current empirical evidence confirms the persistence of racial disparities in certain sentencing contexts. Whereas the earliest research in this area revealed direct effects of defendant race on sentencing, more recent analyses highlight the complex relationships that exist among defendant race and other legally relevant predictors of sentencing. The entry examines disparities in sentencing outcomes that exist for African American defendants, with special consideration given to contemporary research in this area.

Evidence of the Changing Effects of Defendant Race Over Time

The Impact of History

Scholars have examined the effect of defendant race on sentencing for approximately 8 decades. A number of comprehensive reviews exist that summarize the important trends and findings in this vast literature. Several reviews confirm that the effect of defendant race has changed over this time period. Similarly, the mechanisms through which defendants are sentenced and the methods through which scholars have examined defendant race have changed as well.

With few exceptions, early studies in this area provided evidence of direct effects of defendant race; when compared with White defendants,

African American defendants received much harsher sentences. The studies in this early time period were not methodologically rigorous; most of the examinations involved bivariate comparisons only and did not include controls for the type of offense committed or the defendant's prior criminal history. Nonetheless, the findings from this time period were consistent with race relations in the country. As legal scholars have pointed out, many antebellum statutes proscribed punishments based upon defendant race; the most severe sentences—including castration and death—were reserved for African American defendants who allegedly victimized Whites. Remnants of those race-based sanctions—and the overt discrimination that bore them—continued to characterize the sentencing landscape for years following the Civil War. Despite the consistent findings of significant and direct effects of defendant race on sentencing outcomes, the mechanisms through which defendants were sentenced remained largely unchanged until the 1980s.

Sentencing Reform

Prompted in part by concerns about racial disparities and the lack of uniformity in sentencing, many states and the federal government adopted sentencing guideline structures in the 1980s. Although there was variation in terms of the amount of judicial discretion that remained within each of the respective guideline structures, all systems were based upon a sentencing grid in which the defendant's prior criminal history was represented on one axis, with the severity of the offense on the other. Accordingly, judges were instructed to assign sentences based upon the intersection of the scores of these two variables; the corresponding cell on the grid provided the appropriate sentence. Though jurisdictions with strict guidelines severely reduced or eliminated judicial discretion, those in which a proscribed range of appropriate sentences were provided in each respective cell of the sentencing grid produced a much smaller constraint on judicial discretion.

Postreform Studies

As previously mentioned, there is a vast literature that examines sentencing disparities between African American and White defendants. The research that has been conducted over the past 2 decades, in the postreform era, is much more methodologically robust than that in the prereform era. Unlike the principally bivariate examinations of the past, the multivariate contemporary studies do not reveal direct effects of defendant race on sentencing outcomes. This is not to suggest that race no longer affects sentencing decisions; contemporary examinations underscore the complex and intricate ways in which race affects sentencing in terms of both disposition (type of sentence) and duration (length).

As Marjorie Zatz noted, the changing effects of race on sentencing decisions are directly linked to the manner in which race relations in U.S. society have changed over time. Race continues to play a role in sentencing, but it is a much more complex one. Postreform research is characterized by what Samuel Walker, Cassia Spohn, and Miriam DeLone have described as *contextual discrimination*—race matters in some, but not all, contexts or situations of sentencing. Even after controlling for relevant variables—namely, the seriousness of the offense and the defendant's prior criminal record—race remains important in certain situations and contexts.

Contexts of Discrimination

Guideline-Based Decisions and Departures. Wide variations exist among postreform research studies at the state and federal levels in terms of both methodology and findings. These variations notwithstanding, there is some evidence to suggest that African American defendants at the federal level face a higher likelihood of incarceration than White defendants for some kinds of crimes and may be sentenced to longer periods of incarceration than other defendants. Likewise, some state-level studies confirm both an increased likelihood of incarceration for African American defendants and longer periods of incarceration, whereas others find that disparities are confined to sentence length only.

Moreover, a sizeable literature examining decision making under the federal and state-level sentencing guidelines indicates that African American defendants are less likely than White defendants to receive mitigating or downward sentencing departures. This reduced benefit for African American defendants who are convicted of drug offenses has

been confirmed at the federal level. Moreover, some state-level data indicate that African Americans have a reduced likelihood of receiving a downward dispositional departure (i.e., receiving probation instead of incarceration) and are given smaller durational departures than White defendants.

Victim Value. There is empirical evidence in the sexual assault and death penalty literatures to suggest that victim value is an important context for potential racial discrimination. A growing body of research that examines sexual assault has tested the ways in which the likelihood of incarceration and the length of incarceration vary based upon the racial composition of the offender–victim dyad. Although there are inconsistencies in the literature, some studies reveal that African Americans who were convicted of victimizing Whites are more likely than other racial combinations of offenders and victims to receive a sentence of incarceration (vs. probation) or to be sentenced to lengthier periods of incarceration or both. Those defendants who were convicted for victimizing African Americans, on the other hand, received less-severe sentences. Thus, though there are some inconsistencies across the literature, some evidence suggests that those defendants who victimize Whites are given more substantial sentences than those who victimize African Americans.

Another subset of the literature that underscores the linkages between victim value and sentencing outcomes is capital punishment. Certainly, the historical constant across capital punishment findings was that African Americans who allegedly victimized Whites were almost always singled out for the death penalty. Some of the most recent examinations of death penalty application reveal that certain victims—based upon either race (read White) or socioeconomic status (read higher socioeconomic status)—have a seemingly higher value than others. In other words, contemporary death penalty research indicates that sentences no longer reflect direct effects of defendant race, but the composite of the offender–victim dyad in terms of the racial and socioeconomic composition produces disparate capital punishment decisions.

Variation Based Upon Crime Type. Some scholars propose that sentencing disparities are more prevalent among less-serious crimes. More to the point, contexts in which decision makers have high levels of discretion are especially prone to sentencing disparities. Much of the literature examining the relationship between offense severity and sentencing disparities builds from Harry Kalven and Hans Zeisel's study of the American jury system, in which the authors developed the liberation hypothesis. The authors found that in cases in which the offense was serious, the level of evidence was strong, and there was information directly linking the suspect to the case, jurors' decisions were not influenced by their own values and beliefs about the defendant. In less-serious cases, however, jury members' values and belief systems were more likely to influence their assessments about the case.

The growing body of literature that examines drug sentencing provides some support for the liberation hypothesis; racially disparate sentences appear for African American defendants who have been convicted of drug offenses at both federal and state levels of sentencing. The War on Drugs and related policies produce a number of important implications for African American defendants in terms of both the 100:1 crack versus powder cocaine punishment disparities, which were recently modified, as well as the other seemingly race-neutral policies that produce disparately harsher sentences for African Americans. Included among those are enhancement penalties for selling illicit substances near schools and public housing; both contribute to the disparate impact of the War on Drugs on African American defendants, who are more likely to be offending within an urban setting.

Indirect Effects and Accumulation Over the Justice Process. Recent research identifies a number of ways in which defendant race operates through legally relevant contexts to produce harsher sentences for African Americans. Considered another way, although defendant race no longer has a direct effect on sentencing outcomes, African American defendants are disproportionately represented on many of the legally relevant factors that contribute to overall sentence severity. Although there is some variation across the literature, two seemingly race-neutral criminal justice decisions leading up to the sentencing phase—pretrial release and mode of conviction—are often characterized by an overrepresentation of African American defendants. Additionally, African

Americans often have lengthier criminal histories and are disproportionately represented by public defenders versus privately attained legal counsel, both of which exert significant effects on sentence severity. Patterns such as these have been confirmed in examinations of sentencing involving both misdemeanants and felons. These smaller disparities throughout the justice process accumulate and produce differences in sentences for African American versus White defendants.

Multiplicative or Interactive Effects. The work of Darrell Steffensmeier, Jeffrey Ulmer, and John Kramer was instrumental in providing insight into the ways in which some defendant characteristics combine with race to produce a more amplified effect on sentencing outcomes. The authors examined the combined impact of defendant race, sex, and age on both disposition (incarceration in prison or jail vs. probation) and duration (length of incarceration sentence) and found that young, African American males were sentenced more harshly than other defendants. Later research, which examined interactive effects of defendant race, age, sex, and employment status in other jurisdictions, produced consistent results; young, unemployed, African American males were substantially more likely to receive a sentence of incarceration than were their White counterparts.

Research Directions

Despite significant reforms of sentencing structures, uniformity in sentencing remains elusive and certain contexts of racial disparities persist. Sentencing guidelines significantly constrain the amount of discretion allowed in judicial decision making; however, there are many other unregulated decisions and processes that precede and impact sentencing decisions. Future research is needed to unpack the many intricate ways in which defendant and victim race affects the various states of the justice process leading up to the sentencing phase. Moreover, with the recent Supreme Court decision making federal sentencing advisory rather than mandatory and the U.S. Sentencing Commission actively dismantling the crack versus powder punishment disparity, it appears that judicial discretion is slowly being restored to the sentencing process. More research is needed to determine the extent to which the changing forms of discretion impact sentencing outcomes.

Dawn Beichner

See also Death Penalty; Discrimination–Disparity Continuum; Disproportionate Incarceration; Drug Sentencing; Drug Sentencing, Federal

Further Readings

Chiricos, T. G., & Crawford, C. (1995). Race and imprisonment: A contextual assessment of the evidence. In D. F. Hawkins (Ed.), *Ethnicity, race, and crime: Perspectives across time and place*. Albany: State University of New York Press.

Kalven, H., & Zeisel, H. (1966). *The American jury*. Boston: Little, Brown.

Spohn, C. (2000). Thirty years of sentencing reform: A quest for a racially neutral sentencing process. In *Criminal justice 2000: Vol. 3. Policies, processes, and decisions of the criminal justice system* (pp. 427–501). Washington, DC: U.S. Department of Justice. Retrieved from http://www.ncjrs.gov/criminal_justice2000/vol_3/03i.pdf

Steffensmeier, D., Ulmer, J., & Kramer, J. (1998). The interaction of race, gender, and age in criminal sentencing: The punishment cost of being young, Black, and male. *Criminology*, *36*, 763–797.

Walker, S., Spohn, C., & DeLone, M. (2007). *The color of justice: Race, ethnicity, and crime in America* (4th ed.). Belmont, CA: Thomson/Wadsworth.

Zatz, M. (1987). The changing form of racial/ethnic biases in sentencing. *Journal of Research in Crime and Delinquency*, *25*, 69–92.

Zatz, M. (2000). The convergence of race, ethnicity, gender, and class on court decisionmaking: Looking toward the 21st century. In *Criminal justice 2000: Vol. 3. Policies, processes, and decisions of the criminal justice system* (pp. 503–552). Washington, DC: U.S. Department of Justice. Retrieved from http://www.ncjrs.gov/criminal_justice2000/vol_3/03j.pdf

Sentencing Disparities, Latina/o/s

There is lingering debate as to whether or not the disproportionate sentencing of non-White convicted criminals to incarceration and for longer periods of time is due to legal or extralegal

variables. Some investigators assert that much of the racial/ethnic disparity in criminal sentencing is accounted for by legal factors such as prior record, type and seriousness of offense, bail/bond amount, public defender versus private attorney, and so on. Others contend that racial/ethnic disparities in sentencing decisions are the outcome of systematic and institutionalized racial/ethnic discrimination that can be found at all levels of criminal justice decision making, from law enforcement to criminal processing and on to court adjudication. A fundamental issue that arises in this debate is whether or not non-Whites participate at higher rates of more-serious criminal activity than do Whites. This entry reviews evidence for the disparate sentencing of Latinos and examines possible causes of such disparities, both historically and in the present.

While the majority of sentencing research indicates that legal factors outweigh extralegal factors in criminal sentencing decision making, evidence still shows that race *and* ethnicity are particularly important criminal justice determinants. They are especially important when examining the social context of criminal sentencing, which includes such factors as highly varied law enforcement and sentencing jurisdictions, the multiple aspects of criminal justice decision making, and the appropriate disaggregation of criminal justice data.

A great deal of sociohistorical research has documented the stricter social control of non-Whites, particularly in areas where they are perceived to be a threat to White social, economic, and political control. Empirical research shows that biased law enforcement is the beginning of a cumulative disadvantage for non-Whites in the criminal adjudication process. Sentencing outcomes differ for all racial/ethnic groups and are based on particular White and non-White criminal stereotypes that have been socially constructed and maintained by mainstream society.

The scholarly examination of Latina/o criminal sentencing disparities is relatively new, beginning about 1980 and continuing to the present, a time period that many commentators have labeled "the browning of America." This expression refers to the dramatic racial/ethnic demographic shift that has seen Latinos become the largest racial/ethnic minority group in the United States. It also comes at a time of increased theoretical specificity and methodological rigor in the explanation and analysis of criminal sentencing disparities. In fact, the recent spotlight on Latina/o ethnicity has helped make clear previous discrepancies in sentencing research that was mainly centered on White/Black or White/non-White racial dichotomies.

Latinos as Symbolic Assailants

Jerome Skolnick long ago noted how many law enforcement officers developed mental classifications to help them distinguish offenders from nonoffenders. These "symbolic assailants" are persons whom police consider highly likely to be potential perpetrators and who have easily identifiable physical features, dress, mannerisms, and/or speech. Symbolic assailants, then, are susceptible to an elevated risk for questioning, arrest, or both, despite any observed or actual criminal behavior. This lies at the heart of academic and community debates on racial profiling.

For Latinos, criminal stereotypes took hold during intensified Anglo–Mexican contact in the early 19th century in northern Mexico borderlands now more commonly known as the American Southwest. Since then, the Mexican bandito stereotype has evolved into a variety of criminal stereotypes based on race, ethnicity, class, and gender—the Mexican illegal alien drug courier, the thieving Central American domestic (nanny), the untrustworthy Puerto Rican welfare mom, the violent Cuban Marielito refugee. Today, these current perceptions of Latina/o criminality are often used as justifications for xenophobic rhetoric and legislation. A great deal of research, however, fails to support high levels of immigrant criminal activity. In any case, these preconceived notions of inherent Latina/o criminality are a deep-rooted tradition that may be worst in regions where Latinos are relatively recent newcomers.

Theoretically speaking, then, racially/ethnically biased law enforcement can produce larger numbers of Latina/o offenders. Equally damaging is that these Latina/o criminal stereotypes can lead to larger numbers of Latinos being prosecuted for alleged criminal misconduct. It could also impact the number and types of charges brought forth at arraignment, as well as the judgment of various court officials. Judges may be less willing to provide favorable bail decisions and plea bargains. Probation

officers may be reluctant to recommend probationary sentences for felony convictions. Jurors may be less likely to reject proof raising a reasonable doubt about alleged wrongdoing. In sum, notions of Latina/o criminality impact all phases of criminal justice and produce what Marjorie Zatz has referred to as a "cumulative disadvantage" effect that results in the harsher sentencing of Latina/o defendants convicted for criminal offenses.

Latinos and Criminal Sentencing

The majority of early Latina/o criminal sentencing research revolved around Mexican American felony convictions in the southwestern United States. The magnitude of differentials between Mexican Americans and Whites varied and was strongest for those convicted on drug-related criminal charges. Contemporary research examining other local, regional, and national data has produced findings consistent with this early line of research, but nuances are providing a clearer picture. The few empirical studies that have been conducted indicate that Latinos are at a higher risk for disparate sentencing when convicted for property-related offenses. Latinos are likely to receive longer sentences of incarceration when convicted on drug-related charges. Often this observed pattern of unsympathetic judicial punishment is explained by the greater reluctance of Latinos to cooperate with investigators and law enforcement personnel in the apprehension and conviction of other suspected drug traffickers.

Recent analyses of sentencing decisions in jurisdictions employing determinate sentencing guidelines paint an even bleaker picture. Determinate sentencing guidelines were established to help provide more legal rationality for courtroom actors by reducing the amount of judicial discretion. This is accomplished by providing judges with a sentencing grid for particular types of criminal convictions that take into account specific legal characteristics of the case. Judges can, however, depart from suggested sentences of incarceration, probation, or both, based on their view of extenuating circumstances, such as cooperation with law enforcement personnel. Research on determinate sentencing guidelines departures shows that younger Latinos are significantly more at risk than their Black and White counterparts for upward departures from the guidelines and have significantly lower probabilities of receiving downward departures. Similarly, and in line with both symbolic assailant and cumulative disadvantage theses, findings demonstrate a significantly higher risk for Latinos of pretrial detention that limits the quality of a felony defense. The pervasiveness of Latina/o immigrant stereotypes has been forwarded as an explanation for disparate sentencing outcomes even though the majority of Latinos convicted and sentenced in U.S. criminal courts are nonimmigrants.

Felony Versus Misdemeanor Criminal Sentencing

There is a dearth of scholarly information on misdemeanor sentencing decisions, which is somewhat surprising considering the overwhelming volume of misdemeanor offenses that are brought forth for adjudication on a daily basis. The sheer magnitude in the number of cases settled each day increases the risk for disparate treatment as county, city, and/or township court officials often have only a police report or citizen complaint at their disposal when deciding upon whether a case should go forward for prosecution. At various points in time, moral panics have been shown to drive law enforcement, criminal prosecution, and conviction with respect to misdemeanor sentencing.

For example, research on the development of Mexican immigrant communities at the turn of the 20th century demonstrates how influential social and economic elites worked in concert with local public officials and law enforcement to enact and enforce misdemeanor criminal codes that would serve as a means to indirectly control Mexican immigrant labor for Anglo social, economic, and political advantage. Misdemeanor vagrancy, drug and alcohol, prostitution, weapons, smuggling, and disorderly laws were used to manage the Mexican population much like Jim Crow laws were used to manage the Blacks in the South.

Misdemeanor sentencing research shows that Latinos are disproportionately charged with more-serious offenses and disproportionately charged with more than one offense, which in turn manifests in more-punitive sentencing. Data suggest that U.S.-born Latinos may be involved in more misdemeanor criminal activity than their immigrant

counterparts; yet, immigrant Latinos receive the most punitive treatment. Both of these findings are alleged to be the outcomes of cultural assimilation: Immigrant Latinos are less likely to be involved in criminal activity, but their lack of English speaking skills and their unfamiliarity with the American criminal justice system put them at a stark disadvantage for adjudication.

Conclusion

Although much empirical evidence points to the importance of legal variables in criminal sentencing outcomes, it is clear that U.S. racial *and* ethnic stratification are still important factors to consider. With regard to Latina/o sentencing disparities, notions of Latina/o criminality impact all aspects of the criminal justice adjudication process. Biased law enforcement is the beginning of a cumulative disadvantage that carries over into criminal processing and judicial treatment.

An individual's prior record, a primary factor used in determining felony criminal sentences, may consist of a number of "less-serious" misdemeanor offenses that add to the perceived dangerousness, culpability, and/or rehabilitation of an individual. At a glance, this appears to be a rational strategy to determine incarceration for an individual and to what length. However, the use of prior record as a major sentencing determinate is not as viable when one considers the apparent racial/ethnic bias in criminal justice sentencing decisions prior to felony sentencing decisions.

Ed A. Muñoz and Casey C. Watkins

See also Latina/o Criminology; Latina/o/s; Media Portrayals of Latina/o/s; Minority Group Threat; Profiling, Ethnic: Use by Police and Homeland Security; Profiling, Racial: Historical and Contemporary Perspectives; Racialization of Crime

Further Readings

Escobar, E. J. (1999). *Race, police, and the making of a political identity: Mexican Americans and the Los Angeles Police Department, 1900–1945*. Berkeley: University of California Press.

Johnson, B. D. (2005). Contextual disparities in guidelines departures: Courtroom social contexts, guidelines compliance, and extralegal disparities in criminal sentencing. *Criminology, 43*(3), 761–796.

Muñoz, E. A., McMorris, B. J., & DeLisi, M. J. (2004). Misdemeanor criminal justice: Contextualizing effects of Latino ethnicity, gender, and immigrant status. *Race, Gender & Class, 11*(4), 112–134.

Rosales, F. A. (1999). *¡Pobre raza! Violence, justice, and mobilization among México lindo immigrants, 1900–1936*. Austin: University of Texas Press.

Skolnick, J. H. (1966). *Justice without trial: Law enforcement in a democratic society*. New York: Wiley.

Sentencing Disparities, Native Americans

Research examining the differential or discriminatory application of the law in the United States has typically neglected the position of Native Americans. The majority of studies examining race and disparities in adjudication outcomes have concentrated exclusively on the legal treatment of African Americans. Other minority groups are often either ignored or clustered together under a general heading. Research explicitly looking into the criminal justice processing of Native Americans remains sparse. This omission in the research literature is of concern, given that Native Americans are overrepresented in both the judicial and correctional systems relative to their numbers in the general population. Coupled with the fact that Native Americans are one of the most oppressed minority groups in the American society and are subject to racist and degrading stereotypes, this lack of research attention clearly highlights the need to more thoroughly explore legal treatment of this group. The entry examines the results of extant research looking at sentencing disparities between Native Americans and other ethnic groups, primarily Caucasians.

Jurisdictional Complexities

Examination of the legal treatment of Native Americans is complicated by the existing jurisdictional arrangements surrounding the prosecution of crime in Indian Country. Native American

offenders are subject to three separate jurisdictional levels: tribal, state, and federal. The appropriate jurisdictional level is determined by a combination of the type of offense (whether the offense is a major crime or misdemeanor), its location (on or off reservation land), and the ethnic identities of the involved parties (whether the victim and/or the offender are Native American). Tribal courts deal nearly exclusively with Native American offenders who have committed misdemeanors, but their sentencing ability is limited to a maximum of 1 year's imprisonment, a fine of $5,000, or both. These characteristics render tribal courts unsuitable for examination of sentencing patterns between Native Americans and other ethnic groups.

Due to Native American tribes' distinctive status as "domestic dependent nations" within the United States, the federal government holds criminal jurisdiction over most crimes committed within Indian Country. An exception to this arrangement was crafted by Public Law 83-280 (18 U.S.C. § 1162, 28 U.S.C. § 1360, commonly known as PL-280), which was passed in 1953. PL-280 required that federal criminal jurisdiction in Indian Country over offenses involving Native Americans be shifted to the state courts in Alaska, California, Minnesota, Nebraska, Oregon, and Wisconsin. In addition to the mandatory shift of jurisdiction in these six states, PL-280 also granted an additional 10 states the option of assuming such jurisdictional authority in the future. These so-called optional states were Arizona, Florida, Idaho, Iowa, Montana, Nevada, North Dakota, South Dakota, Utah, and Washington. In the ensuing decades some PL-280 states returned the jurisdiction to the federal government. Currently about 70% of all federally recognized tribes (including Alaska Native villages) are subject to state criminal jurisdiction due to their PL-280 status. Native Americans living off the reservation are subject to state jurisdiction regardless of whether their state is a PL-280 state.

Sentencing Disparities in State Courts

Results of existing research investigating sentencing disparities between Native Americans and other ethnic groups, primarily Caucasians, in state courts remain inconclusive. Whereas a few researchers have failed to find any evidence of discrimination against Native Americans in the adjudication process, several studies have discovered that Native Americans are indeed treated more harshly by the judicial system compared to Caucasians. There are also studies that find that Native Americans are treated more leniently than non–Native Americans.

Studies examining data from Nebraska, Minnesota, South Dakota, North Dakota, Arizona, and several other states have indicated that Native Americans are overrepresented among the prison population compared to their numbers among the general population demographics. Although it is important to keep in mind that overrepresentation of a particular race or ethnic group in the criminal justice system does not automatically imply existing judicial discrimination, the staggering gap in Native American figures leads many researchers to voice concerns over this group's discrimination in the courts. In the state of Minnesota, for example, where Native Americans represent less than 1% of the total population, their overall imprisonment rate has reached an all-time high of 24.6% in 2003 compared to a 22% imprisonment rate of Caucasians. Furthermore, Native Americans had a higher rate of receiving a prison sentence when a stayed sentence was an option and a lower rate of receiving intermediate sanctions instead of incarceration.

Recent research highlights the importance of examining sentencing disparities between Native Americans and other ethnic groups for particular types of crimes. These studies argue that adjudication outcomes for Native Americans vary considerably depending upon the offense committed and the state in which it was carried out. For example, in California, Native Americans receive shorter sentences for homicide and drug trafficking than Caucasians do, while in Minnesota these felony crime categories render a longer sentence for Native Americans whereas sexual assault and larceny are associated with longer sentences for Caucasians. In North Carolina, Native Americans are sentenced more harshly than Caucasians for all the analyzed crimes except for robbery, whereas in North Dakota, robbery and drug trafficking are the only two offenses associated with longer sentences for Native Americans. In Arizona, Native Americans were found to receive significantly longer sentences for burglary and robbery than

Caucasians even after defendants' prior felony record and other demographic variables were controlled for. Caucasians received significantly lower sentences for cases of homicide.

South Dakota Case Study

Data from South Dakota clearly illustrates that Native Americans are not treated equally in the state criminal justice system, specifically the courts. Although Native Americans make up 8.3% of the South Dakota's population, they comprise 22% of the state's inmate population (34% of the female inmate population). In response to extended criticisms of the state's discriminatory judicial treatment of Native Americans, the governor of South Dakota has commissioned a study from the Government Research Bureau at the University of South Dakota. The study's findings revealed that Native Americans do not commit more crimes per individual or more-serious crimes per individual than non–Native Americans do. A higher percentage of Native Americans accepted plea agreements or were convicted of crimes—77.8% of non–Native American defendants were acquitted compared to only 11.1% of Native Americans. There was also a sizable disparity concerning the suspension of sentences: Only 13.9% of Native Americans received suspended sentences compared to 80.4% for non–Native Americans.

Data suggested that Native Americans were also at a disadvantage in length of sentence, although this trend was not uniform. Although Native Americans had a greater mean sentence length than Caucasians, the distribution of sentences fluctuated greatly by the type of offense. Native Americans typically received longer sentences for cases involving violent crimes with the exception of violent crimes involving domestic violence and vehicular homicide. Caucasians alternatively received longer sentences for the latter two categories of crimes and for cases involving nonviolent crimes.

Sentencing Disparities in Federal Courts

Federal courts represent another arena for examining possible sentencing disparities between Native Americans and non–Native Americans. However, at the federal level these disparities may be attributed, at least in part, to a set of complex jurisdictional arrangements associated with adjudication of Native Americans and the adherence to the federal sentencing guidelines. Because the majority of crimes committed within Indian Country are subject to federal criminal jurisdiction, Native Americans are adjudicated in federal courts for many offenses that are almost exclusively within states' criminal jurisdiction (e.g., manslaughter, assault, and sex offenses). In 2002 for example, Native Americans nationally comprised 3.6% of all federal criminal defendants but 36.9% of those defendants prosecuted for assault. Federal sentences are often harsher than their state counterparts. Consequently, Native American defendants who have committed certain crimes on the reservation suffer disproportionately harsher sentences than if they were non–Native American or had committed the offense outside of Indian Country. For example, Native Americans brought to federal court on assault charges receive sentences 62% higher than sentences received by defendants convicted in state court for the same offense.

Prior to the establishment of the federal sentencing guidelines, federal judges had virtually unregulated discretion in imposing sentences below the statutory maximum penalty for a crime. They were free to adjust federal sentences by taking into account corresponding state punishments as well as unique circumstances surrounding the problem of Native American crime. The federal sentencing guidelines, guided by principles of honesty, uniformity, and proportionality in sentencing, have significantly limited judicial discretion, preventing judges from mitigating the disparity between federal and state statutory sentence lengths. Furthermore, judges were expressly forbidden from taking into account race, national origin, and socioeconomic status of offenders.

The example of South Dakota may be used once again to illustrate the disparate effect these policies have had on the sentencing of Native American defendants. Federal sentencing of Native American defendants for aggravated assault has been widely cited as an example of discriminatory practices by the criminal justice system. Federal sentences for Native American defendants who have committed assault on the reservation averaged 47 months in the year 2005. A similar sentence awaits a non–Native American who committed the same offense

against a Native American on the reservation. A non–Native American who has committed assault against another non–Native American on the reservation is subject to the jurisdiction of state courts where an average sentence for this type of offense, according to 2002 data, is 34 months. Finally, Native Americans committing assault off the reservation in South Dakota are also subject to jurisdiction of state courts; in 2002 a typical average sentence was 22 months.

The U.S. Sentencing Commission has responded to rising concerns over the disparate treatment of Native Americans in federal courts by creating the Native American Advisory Group. The latter was charged with investigating whether Native Americans are indeed unfairly sentenced as a result of the operation of the federal sentencing guidelines; the advisory group was also given the task of developing approaches to redress the disparity. The group focused on jurisdictions with large Native American populations and three specific offenses that disproportionately impact Native Americans: manslaughter, sexual abuse, and aggravated assault. The research revealed that the impact of the federal sentencing guidelines on Native American defendants varies across jurisdictions and across offense types. For many, the group's recommendations were rather conservative and fell short of eliminating the problem. The final report suggested modifying the recommended sentencing ranges to account for both sentencing disparity and the unique circumstances characterizing life on the reservation.

The Supreme Court's 2005 decision in *United States v. Booker* represented a more radical solution to the state–federal sentencing disparity problem. The Court held that the federal sentencing guidelines were unconstitutional as applied and made them advisory rather than mandatory in nature. Post-*Booker* the judges are once again free to consider the mitigating factors surrounding the crime on the reservation in sentencing Native American defendants. However, research has shown that the federal sentencing dynamics have not considerably changed. Multivariate studies have shown that post-*Booker*, sentences of Native American offenders are 10.8% higher than those for their Caucasian counterparts.

Research Directions

The relative paucity and inconclusiveness of studies examining sentencing disparities between Native Americans and other ethnic groups necessitates a more expanded and thorough investigation of this subject matter. Many studies mention the lack of reliable data in this area as the greatest challenge to current research. Furthermore, the majority of existing studies are of a descriptive nature. There are relatively few multivariate analyses that take relevant control variables into consideration. Meanwhile, findings from these studies are arguably more comparable, and of better quality, than simple descriptive or bivariate analyses. Another drawback to the current state of research in the area is the primary focus of the studies on the sentence length variable. This stems from the fact that the data for these studies come from an already incarcerated population. Consequently, there is little research exploring sentencing disparities between Native Americans and other ethnic groups that takes into account the nonincarcerative dispositions. Finally, the importance of studies that focus on crime-specific analysis has been stressed by researchers examining the legal treatment of Native Americans.

Margarita Poteyeva

See also Native American Courts; Native Americans

Further Readings

Advisory Group on Native American Sentencing Issues. (2003, November 4). *Report of the Native American Advisory Group*. Retrieved from http://www.ussc.gov/NAAG/NativeAmer.pdf

Bachman, R., Alvarez, A., & Perkins, C. (2003). Discriminatory imposition of the law: Does it affect sentencing outcomes for American Indians? In M. O. Nielsen & R. A. Silverman (Eds.), *Native Americans, crime, and justice* (pp. 197–208). Boulder, CO: Westview Press.

Brumsten, R., & Freimer, S. (2003). A review of South Dakota criminal justice: A study of racial disparities. *South Dakota Law Review*, *171*, 1–24.

Droske, T. J. (2007). *Correcting Native American sentencing disparity post*-Booker. Retrieved from http://works.bepress.com/timothy_droske/1

Goldberg, C., & Singleton, H. V. (2005, December). *Public Law 280 and law enforcement in Indian Country—Research priorities* (Research in Brief, NCJ Publication No. 209839). Washington, DC: U.S. Department of Justice, National Institute of Justice.

Sentencing Project, The

The Sentencing Project is a nonprofit organization based in Washington, D.C. It is funded by money obtained through foundations, private gifts, the sale of publications, and technical assistance grants. The Sentencing Project was founded in 1986 to provide sentencing advocacy training to defense attorneys and to draw attention to, and ultimately reduce, what was perceived to be an overreliance upon incarceration as a criminal sanction. Out of this commitment, The Sentencing Project sponsored the development of the National Association of Sentencing Advocates, now known as the National Association of Sentencing and Mitigation Specialists, which is part of the National Legal Aid and Defender Association, which provides assistance and guidance to those who represent criminal defendants. While The Sentencing Project has remained true to its original goals, its contemporary activities and interests are considerably more diverse. For example, while it continues to advocate for just treatment of the accused, The Sentencing Project engages in extensive research to understand complex justice-related issues related to minorities and women; seeks to reform unfair and ineffective criminal justice policies by using the media to educate the public and policymakers; and promotes proportionality in criminal sentencing through the use of alternatives to incarceration.

Justice-Related Issues

The Sentencing Project focuses on seven justice-related issues: sentencing policy, incarceration, racial disparity, felony disenfranchisement, drug policy, female offenders, and collateral consequences. Those issues are broadly defined and are not mutually exclusive. On the contrary, many of them are closely interrelated. From the perspective of The Sentencing Project, it is within those issues where evidence is found of unfair and ineffective criminal justice policies and practices.

Sentencing Policy. Tougher sentencing laws and policies that are geared toward minimizing judicial discretion, such as setting mandatory minimum terms, have resulted in a nationwide expansion of the federal and state prison systems.

Incarceration. Prisons and jails house more than 2 million men and women today, and the rate at which offenders are incarcerated has increased steadily for decades.

Racial Disparity. Racial and ethnic minorities are disproportionately represented in prisons and jails. The extent to which minorities are overrepresented in the justice system has increased with the enforcement of laws and policies that are associated with the War on Drugs.

Felony Disenfranchisement. With disproportionate minority representation in prison and the prohibition against voting among convicted felons, millions of U.S. citizens are prohibited from participation in the democratic process.

Drug Policy. The War on Drugs has made drug offenders the largest inmate population in the federal prison system and the fastest-growing inmate group at the state level. Most drug offenders sentenced to prison are low-level offenders without a history of violent criminal conduct.

Female Offenders. Female offenders are sentenced to prison at about twice the rate as their male counterparts. Many female inmates have histories of physical, sexual, and substance abuse. Also, they are often single parents who face many challenges related to the custody of their children while they serve out their incarceration sentences.

Collateral Consequences. Criminal convictions involve more than the legally prescribed penalties. They also involve consequences that result from criminal convictions, such as barriers to certain professions and careers and being disqualified

from voting in federal elections, living in federally funded residences, receiving welfare benefits, and obtaining student loans.

Research and Advocacy

The Sentencing Project is involved in many research projects and advocacy activities that span across several of the justice-related issues described earlier in this entry. For example, unfair sentencing policies have established a 1-to-100 sentencing disparity for crack and powder cocaine convictions. That disparity translates into a 5-year prison term for 5 grams of crack cocaine or 500 grams of powder cocaine. Notably, this disparity was recently reduced because of recommended changes by the sentencing commission. Researchers have also focused on the use of drug courts as an alternative to incarceration to reduce recidivism and justice system expenses. Similarly, there is interest in assessing the practice of alleviating prison crowding through the early release of inmates to community transition programs or early parole.

Other areas of interest that cut across justice-related issues include how mandatory minimum sentences are related to prison crowding; the extent to which federal judges should be empowered to use discretion when imposing criminal penalties and what should be considered aggravating and mitigating circumstances in such cases; racial and ethnic disparities in criminal sentencing, especially how it relates to the War on Drugs; the incarceration of the mentally ill in correctional facilities following the deinstitutionalization of psychiatric hospitals; and the Second Chance Act, which provides federal money to states for the establishment of programs that would help former inmates reintegrate into their home communities.

The collateral consequences of a felony conviction have come under renewed scrutiny with the Right to Vote Campaign, a nationwide collaborative effort by the American Civil Liberties Union, the Brennan Center for Justice at the New York School of Law, and The Sentencing Project. The primary goal of the campaign is to remove barriers to voting, experienced by people with felony convictions, by reforming voting rights policies through litigation and by educating the public. In addition, there is considerable interest in how the War on Drugs has impacted females and the collateral consequences of a drug conviction. Much of that research has examined the physical and mental health issues faced by female inmates, their children, and their extended family members. There is also interest in the differences between male and female inmates. Females are usually incarcerated for less-violent crimes than males, and they also tend to suffer more from emotional and mental health issues.

Michael P. Brown

See also Intermediate Sanctions; Prison Abolition

Further Readings

King, R. S., & Mauer, M. (2002). *Distorted priorities: Drug offenders in state prisons*. Washington, DC: The Sentencing Project.

Mauer, M., & Kansal, T. (2005). *Barred for life: Voting rights restoration in permanent disenfranchisement states*. Washington, DC: The Sentencing Project.

Mauer, M., & King, R. S. (2007). *Uneven justice: State rates of incarceration by race and ethnicity*. Washington, DC: The Sentencing Project.

Vagins, D. J., & McCurdy, J. (2006, October). *Cracks in the system: Twenty years of the unjust federal crack cocaine law*. Retrieved from http://www.aclu.org/pdfs/drugpolicy/cracksinsystem_20061025.pdf

Websites

The Sentencing Project: http://www.sentencingproject.org

Simpson, O. J.

See O. J. Simpson Case

Sixteenth Street Baptist Church Bombing

On Sunday, September 15, 1963, a bomb exploded under the steps of the Sixteenth Street Baptist Church in Birmingham, Alabama. The explosion

killed four African American girls, Denise McNair, 11 years old; Carole Robertson, age 14; Addie Mae Collins, age 14; and Cynthia Wesley, age 14. The four girls were killed instantly as the blast ripped through the church basement. Sarah Collins, age 12, was also inside the church but survived. She sustained severe injuries and was permanently blinded in one eye.

Although the bombing of the church rocked Birmingham and the country, it was not the first bombing to happen in the city. Birmingham, Alabama, was notorious for racial bombings during this period, and was sometimes referred to as "Bombingham." There were over two dozen unsolved bombings between the 1940s and 1960s, but no other bombing during this time was as catastrophic. This bombing appeared to be a response to the rise of civil rights activism. In the 1960s, Blacks were fighting for equality under law and the freedom to live as full citizens with dignity. Not only were adults marching, but young people were getting involved in the struggle as well. It was a very dramatic and violent time, during which many young people were beaten and arrested.

In 1963, events in Birmingham became national front page news. Footage of police using fire hoses and attack dogs to disperse crowds of Black people was seen on television around the world. At the time, many African Americans lacked good paying jobs. In the Deep South, the best jobs Black people were offered were either in houses and restaurants cooking and cleaning or working in iron or steel factories. Blacks generally could not obtain the positions of clerks, secretaries, police officers, librarians, or firefighters. There were very few Black professionals. The most common Black professionals were schoolteachers at Black-only schools or preachers at Black churches. Birmingham still posted signs stating "Whites only" over water fountains, bathrooms, and sections in movie theaters.

In April 1963, civil rights activist Reverend Martin Luther King, Jr., arrived in Alabama and stirred the city. He and fellow leaders organized several marches, and thousands were arrested. King and his associates also organized "sit-ins," a form of nonviolent civil disobedience, at Whites-only lunch counters in Birmingham. The protesters would sit themselves in Whites-only establishments and remain seated until they were removed. The sit-ins often were highly successful at causing major disruptions in business.

In May 1963, King and other civil rights leaders met with Birmingham business owners, who agreed to desegregate lunch counters and start hiring Blacks as lunch counter clerks and other previously Whites-only positions. After the announcement was made, the city erupted in violent attacks, in which 500 Blacks were injured.

The Sixteenth Street Baptist Church bombing occurred when the entire state of Alabama was in turmoil over school desegregation. On September 4, 1963, the federal court had ordered that a total of 24 Black children, including 5 from Birmingham, were to be enrolled as students in hitherto all-White public schools throughout the state. On the morning of September 15, 1963, immediately after the Sixteenth Street Baptist Church bombing, the scene at the church was described as very chaotic. Dozens of survivors stood outside the church, some with blood dripping from their faces, having been struck by shards of glass from the church's stained-glass windows. The bomb had exploded in the basement, blowing down a wall and sending stone flying into the room where the four girls were. It was reported that a crowd formed outside as the victims' bodies were carried away. Family members and neighbors cried out. It was accounted in the newspapers as a sad and gruesome scene.

On the same day of the Sixteenth Street Baptist Church bombing, two young Black boys were also killed. Virgil Ware, age 13, was shot by a White teenager while riding on the handlebars of his brother's bike. An Eagle Scout named Johnnie Robinson, age 16, was shot in the back and killed by police for throwing rocks at a White segregationist's car. As evening approached in the city, shots rang out in many neighborhoods; many people reported hearing glass shattering as stones smashed into windows. These incidents made headlines all over the country, but the death of the little girls shamed the city of Birmingham.

Local residents Robert Chambliss, Tom Blanton, Bobby Frank Cherry, and Herman Cash were the prime suspects in the bombing. All four men were active members of the Ku Klux Klan. They were part of a very violent sect of the Klan called the Cabala Boys. The Federal Bureau of Investigation identified them early in their search. However, the

state and federal governments took no action to bring these men to justice.

The church bombing galvanized Black and White civil rights activists in the effort to end institutionalized racism. Nationwide horror and revulsion at the bombing created widespread support for the enactment of the Civil Rights Act of 1964 and the Voting Rights Act of 1965. These far-reaching changes in the law were to mark the end of official segregation and discrimination in the United States.

Although four young girls died in the blast and many citizens of Birmingham were hurt and outraged, it was not until 1977 that a trial was set for one of the men. A jury found Robert Chambliss guilty of one count of murder for his part in the bombing of the church. For many years, it was the only justice the families and the city could cling to and even hope for. In 1997, the incident was brought back to light by Spike Lee's renowned documentary *Four Little Girls*. Shortly after the release of the film, the U.S. Justice Department moved to reopen the investigation.

In 2001, nearly 40 years after the bombing, a jury convicted Thomas Edwin Blanton of four counts of murder. Bobby Frank Cherry was also convicted for his part in the bombing in 2002. Herman Cash died before he was able to be brought to trial.

Teresa Francis

See also Ku Klux Klan; Race Relations; Racial Conflict

Further Readings

McWhorter, D. (2001). *Carry me home: Birmingham, Alabama, the climatic battle of civil rights revolution*. New York: Touchstone.

Padgett, T., & Sikora, F. (2003). The legacy of Virgil Ware. *Time*. Retrieved from http://www.time.com/time/printout/0,8816,1005718,00.html

Romano, C. R., & Raiford, L. (Eds.). (2006). *The civil rights movement in American memory*. Athens: University of Georgia Press.

Sikora, F. (1991). *Until justice rolls down*. Tuscaloosa: University of Alabama Press.

United Press International. (1963, September 16). *Six dead after church bombing*. Retrieved from http://www.washingtonpost.com/wp-srv/national/longterm/churches/archives1.htm

SKINHEADS

In the mid-1980s, neo-Nazi skinheads emerged as the new face of racial hatred in the United States. Sporting close-cropped hair or shaved heads, suspenders, steel-toed boots, and Nazi-themed tattoos, these youth vaulted to the forefront of public concerns about racism, largely because of their commitment to violence and their confrontational style.

The skinhead subculture began in England in the late 1960s, emerging as an affirmation of British working-class values and style. Unlike other youth subcultures of the day, skinheads rejected trendy upscale fashion, opting instead for an exaggerated working-class uniform—simple button-down Fred Perry or Ben Sherman shirts, "sta-prest" trousers or denim jeans, suspenders (or "braces"), and Doctor Marten work boots. The ideology of early skinhead groups was a reflection of their clean-cut style, strictly adherent to a version of proletarian values that emphasized traditional masculinity and territoriality. Interestingly, the first skinheads lacked the explicitly racist ideology of their successors. In fact, they embraced the rock-steady and ska music and rude boy styles imported by Jamaican immigrants. Early skinheads also embraced violence, quickly gaining a reputation for assaulting hippies, homosexuals, Pakistani immigrants, and any other group that offended their sensibilities. In this sense, their close-cropped or shaved heads served a practical purpose, giving their opponents nothing to grasp during a fight. It was the skinheads' violent propensities, especially their targeting of innocent civilians, which led to considerable outrage. Following a crackdown by the London police in 1972, the skinhead subculture faded.

The transformation of this working-class subculture into a hate group occurred in the early 1980s when England was gripped by economic struggles and anti-immigrant sentiment. Within this political climate, the ultraconservative National Front Party was revived, promoting a fascist and racist ideology to the disenfranchised working class. This ideology gained a foothold in the skinhead subculture through its incorporation into aggressive punk-influenced music. Specifically, the band Skrewdriver, founded in 1977 by National

Front organizer Ian Stuart Donaldson (later Ian Stuart), merged rabid neo-Nazism with the hard-edged sounds of punk and the sing-along nationalism of British pub songs, establishing a new musical genre: White power rock. In the early and mid-1980s, Skrewdriver inspired a number of other White supremacist bands and helped establish a global network of venues for White power rock shows. The music and the scene served as a powerful recruiting tool and indoctrination system for the National Front and other White supremacist movements. As White power rock spread and the subculture expanded, skinhead violence in England and throughout Europe increased dramatically.

Music was also central to the development of the neo-Nazi skinhead subculture in the United States. After Skrewdriver signed with Rock-O-Rama, a West German record label specializing in White supremacist music, their albums (as well as those of similar bands) were exported to the United States, as were copies of *Blood and Honour*, a fanzine-like publication produced by Stuart that celebrated White power rock. The aesthetics of this music—its simplicity, fast pace, and aural "rage," as well as its emphasis on hypermasculinity and violence—were similar to those of the American hardcore music scene, which provided bands access to an audience of alienated young White males. It was from the ranks of the American hardcore scene that early skinhead groups, like Chicago's Romantic Violence (widely recognized as the first skinhead gang in the United States), drew their soldiers.

In the mid-1980s, small gangs of skinheads were emerging in urban centers across the country and quickly gaining reputations for harassment, vandalism, and violence. These loosely organized gangs were transformed into a national movement by Tom Metzger, an ex–Ku Klux Klan Grand Wizard and founder of the White Aryan Resistance (WAR). Under the umbrella of WAR, Metzger supplied a structure to the fragmented skinhead subculture, networking gangs and linking skinheads and other White supremacist groups. He further provided a variety of resources to aid in organization and recruitment, including a telephone hotline, a public-access television show titled *Race and Reason*, and even an electronic billboard. Unlike other domestic White supremacist groups, WAR and Metzger directed their message at adolescents by embracing rock-and-roll culture, specifically through the production of a youth-oriented magazine (à la Skrewdriver's *Blood and Honour*) and the promotion of White power rock. Metzger also mobilized the skinhead underground, deploying experienced skinheads to assist inexperienced and disorganized gangs, particularly in terms of recruitment. Largely through Metzger's efforts, the number of American neo-Nazi skinheads increased significantly in the late 1980s, as did the incidence of skinhead violence.

On November 13, 1988, on a narrow street in Portland, Oregon, three skinheads murdered a 27-year-old Ethiopian immigrant named Mulugeta Seraw—an event that galvanized the American public against the skinhead threat. What started as a traffic conflict between Kenneth "Ken Death" Mieske, Steven Strasser, and Kyle Brewster, all of whom were members of the East Side White Pride skinhead gang, and two of Seraw's Ethiopian friends quickly escalated into a street fight with overt racial elements. While Seraw attempted to keep the peace, Strasser and Brewster brawled with his friends, and Mieske, who initially stayed in the car, grabbed a baseball bat and smashed the taillights and windshield of the Ethiopians' vehicle. He then unleashed his rage on Seraw, delivering the fatal blow with a single strike to the head. After Seraw fell to the pavement, Mieske struck him several more times with the bat while Strasser and Brewster kicked his lifeless body. Information from a confidential source led the police to the skinheads involved, all of whom eventually pleaded guilty (Mieske to first-degree murder and Brewster and Strasser to manslaughter) to their parts in the crime.

The response to Mulugeta Seraw's murder was tremendous. Antiracism rallies, nationwide media attention, and general public outrage over the incident spurred ambitious hate crime legislation in and beyond Oregon. Seraw's family, working with Morris Dees and the Southern Poverty Law Center, sued the skinheads involved, as well as Tom Metzger and WAR, for wrongful death. In a civil trial where Metzger acted as his own attorney, the jury returned a $12 million verdict against the defendants, financially crippling Metzger and effectively shutting down WAR. Dees and the Southern Poverty Law Center used a similar approach in 2000 to shut down Richard Butler's Aryan Nations compound in northern Idaho, a

noted skinhead training center and social retreat.

Although these strikes to the White supremacist infrastructure dramatically curtailed skinhead recruitment and activity, by no means did this eliminate the skinhead threat. Although fragmented once again, regional skinhead gangs remain active in the United States, and there is evidence of both expansion and attempts to redevelop national networks. Other information suggests that the American skinhead subculture has become the main exporter of White power rock to Europe, where this commodity is tightly controlled, thus contributing to skinhead violence in Russia, France, and other nations. Finally, Tom Metzger remains active, speaking to skinhead groups and advocating a "lone wolf" approach by which skinheads abandon their traditional style in an effort to blend into society and infiltrate positions of power. As such, even though the old skinhead ideology remains, the new skinhead threat likely looks different than it has in the past.

Vikas Gumbhir

See also Slavery and Violence

Further Readings

Hamm, M. (1993). *American skinhead: The criminology and control of hate crime*. Westport, CT: Praeger.

Langer, E. (2003). *A hundred little Hitlers: The death of a Black man, the trial of a White racist, and the rise of the neo-Nazi movement in America*. New York: Picador.

Slave Patrols

Slave patrols were organized groups that regularly patrolled both rural and urban areas of the Southern United States to enforce restrictions that White colonists placed upon enslaved African Americans during the 18th and 19th centuries. Comprising four to six men, patrollers, or "patty rollers" as enslaved African Americans dubbed them, were responsible for apprehending runaways, breaking up unsanctioned gatherings and celebrations of enslaved people, searching slave dwellings for weapons and contraband, preventing enslaved African Americans from engaging in individual economic activity ("huckstering"), and, at times, suppressing slave rebellions. In fact, the history of police work in the Southern states grew out of Whites' early fascination with what African Americans, both enslaved and free, were doing. By definition, the majority of Southern law enforcement was White patrollers, watching, catching, or beating enslaved African Americans. The slave patrol was among the first community-organized, race-based methods of social control in the United States.

Patrols existed in nearly every slave-holding county, but the implementation of a formal patrol system depended on several variables: the date of the colony's settlement, the size of the enslaved population, the overall population of the colony, the threat of insurrection, and the geographic location and density of the area. In the early colonial period, British colonists were fearful of outside invasions by competing colonial powers; consequently, they drew upon their knowledge of posses and militias in England to form state militias, but the dual task of protecting colonists from invasions and enforcing emergent slave laws proved to be too burdensome for the militia. Hence, slave patrols were created as a kind of supplementary force to reinforce slave owners' authority as well as to protect the larger White community from supposed licentious and devious African Americans, who were thought to be regularly engaged in criminal activity.

Insurrection, conspiracy, and striking a White person were the slave crimes, each punishable by death, that Whites most feared, especially those White people who lived in counties where the enslaved population outnumbered the free White population. Many Whites lived in constant fear of insurrection, so Southern states adopted a series of laws to restrict the activities and behavior of enslaved people to prevent potential slave revolts. These so-called slave codes included a pass system, which forbade slaves from traveling without a pass, or ticket, which was written permission for an enslaved person to be off of the plantation. Enslaved African Americans were prohibited from carrying weapons, and in many cases, they were denied the right to assemble without the presence of a White person.

Initially the entire White community was responsible for the enforcement of the slave codes. For

example, an early Virginia law stated that landowners could question and whip any enslaved person traveling on their land. As the colonies began to depend more heavily on bondsmen's labor and their numbers increased, the White community developed the slave patrol to monitor the activities of African Americans. Some states required patrols by law, whereas others gave authorization to local communities to organize patrols. Many patrols were derived from the compulsory state militia. Called "musters," these groups of four to six militia men would serve on a patrol for a week's time. Some patrollers performed their duties voluntarily; others were paid wages or given tax exemptions for their service. Some professions were exempt from the patrols, but harsh fines were levied upon those who shirked their responsibility or failed to provide a substitute. Contrary to long-held assumptions that patrols were staffed primarily by poor Whites, patrol duty was shared across class lines, and patrol captains were often slave holders.

Patrollers generally made their rounds at night, some patrolling every week night, although many patrols were carried out on Saturdays and Sundays, when African Americans were more likely to move about. Most planters gave enslaved people Sundays off, and many took this opportunity to visit family or friends on nearby plantations. Rural patrollers usually traveled on horseback and carried guns, whips, and ropes; urban patrollers walked a beat and even engaged in stakeouts. Patrollers frequently punished offenses or disobedience with lashings, and enslaved African Americans who were caught without passes were routinely whipped. Patrollers often inspected the slave quarters and had the power to summarily punish runaways and enslaved African Americans who harbored fugitives or hid weapons. Some Southerners complained about the patrols' failure to function and frequent abuses of power. The most frequent complaint was that patrollers did not do their jobs, either because they failed to make their rounds or because they were drunk.

All African Americans had to watch out for the patrols, for the patrollers could not distinguish between free and enslaved people. Despite their fear of the patrols, enslaved African Americans resisted them with preventive measures, such as learning when to expect the patrols, establishing warning systems, and feigning innocence or ignorance when caught. Evading the patrollers took ingenuity and speed. Some slaves rubbed cow manure or turpentine on their feet to throw off the dogs used to track them. Others resisted more aggressively by tying ropes or vines around their meeting places to trip the patrollers' horses or by throwing hot coals in the face of the patrollers. Both enslaved people and patrollers were killed during these encounters.

After African Americans were emancipated, Whites wanted to reassert the dominant position they had enjoyed prior to the Civil War. Because their racial attitudes toward African Americans had not changed, many Southern Whites believed that the activities of African Americans had to be closely monitored or else the lazy and licentious freedmen would refuse to work and resort to criminal activities. Thus, the duties of the former slave patrollers were taken over by economic associations, rifle clubs, and White vigilante groups, namely, the Ku Klux Klan. Although they donned sheets and changed their name, the activities of the Ku Klux Klan were much the same as slave patrols: They took away weapons from freedmen, whipped them, demanded that all African American dances and meetings end by 11 p.m. so as to quash any plans for insurrection, and even required rural African American dwellers to carry passes from their former masters. The slave codes were eventually replaced by Jim Crow laws, but ultimately, Southern police officers adopted methods used by slave patrollers, such as enforcing curfews and vagrancy laws targeted at African Americans. These practices endured well into the 20th century, and terms used during slave patrols, such as *walking the beat* and *patrolling,* have become commonplace in American parlance.

Jessica James

See also Ku Klux Klan; Slavery and Violence

Further Readings

Blassingame, J. (1972). *The slave community: Plantation life in the antebellum South*. New York: Oxford University Press.

Franklin, J. H. (1989). Slavery and the martial South. In *Race and history: Selected essays, 1938–1988*

(pp. 92–103). Baton Rouge: Louisiana State University Press.
Genovese, E. D. (1972). *Roll Jordan, roll: The world the slaves made*. New York: Pantheon.
Hadden, S. (2001). *Slave patrols: Law and violence in Virginia and the Carolinas*. Cambridge, MA: Harvard University Press.
Stampp, K. (1952). *The peculiar institution: Slavery in the antebellum South*. New York: Knopf.
Wood, B. (2005). *Slavery in colonial America, 1619–1776*. New York: Rowman & Littlefield.

Slave Rebellions

Slave rebellions began with slavery itself. Slave revolts took place in ways large and small. The fear and paranoia of slave holders led to the enactment of criminal laws with brutal consequences for those convicted of crimes against slavery. Noted leaders of slave rebellions—Denmark Vesey, Nathaniel Turner, Sengbe Pieh (known as Jose Cinque), and John Brown—paid the ultimate price in their quest for freedom, giving their lives to strike a blow against human bondage. Insurrections against human bondage took place across the country in every state in which slavery existed. Yet, history may never cite all of those men, women, and children who rebelled individually or led others in protests against enslavement.

Acts of Rebellion: Real and Imagined

Slave rebellions were acts of protest. Africans in America rose up against oppression in acts of violence and civil disobedience deemed crimes against slavery. Enslaved farmworkers sabotaged tools. Cooks ruined meals or even poisoned the food of slave holders. Slave escapes were acts of rebellion. Laws with harsh penalties were enacted to intimidate slaves from revolting. Escape attempts were met with lashes on the bare back and branding. Acts of self-protection, overt defiance, or confidence on the part of an enslaved person was viewed by many Whites as rebellious and worthy of punishment. Repeated escape attempts could lead to castration, mutilation, and death. Despite these harsh consequences, slaves rebelled, escaped, and staged uprisings, using any means within their power to fight against perpetual servitude. Ultimately, rebellions led by enslaved Blacks, free Blacks, and White abolitionists were acts of war against slavery.

Courts of law were used to try acts of slave rebellion, real or imagined. In New York City, fear of a slave revolt led to harsh penalties and greater restrictions in mobility. A mysterious fire flamed hysteria and paranoia of a slave protest or act of sabotage. In 1741, New York City was the site of several unexplained fires. Many Whites viewed the fires as acts of slave protest. Following a farce of a trial, dozens of slaves were found guilty. In the end, 13 slaves were burned alive, 18 were hanged, and 70 were banished. There was little evidence to support slave involvement with these fires. The cruelty of the verdict reveals the deep paranoia and fear of slave revolts on the part of many Whites. Those fears, and an addiction to slave-related profits, led to the manipulation of the rule of law to favor slave holders.

Denmark Vesey

Denmark Vesey was born in Saint Domingue (now Haiti) in 1767. He was enslaved in South Carolina by Joseph Vesey. In 1800, Denmark Vesey won a lottery and used the proceeds to purchase his freedom. Vesey was greatly influenced by the French Revolution (1789–1799) and the slave uprisings in Haiti led by Toussaint L'Ouverture (1791–1804). In Haiti, L'Ouverture's army of slaves defeated Napoleon Bonaparte's army to gain the independence of that country. Denmark Vesey led a relatively prosperous life as a carpenter. However, Vesey read newspaper articles that set forth the resistance of slave holders to the Missouri Compromise and the emancipation of Blacks.

Vesey believed that God told him to lead an attack against slavery. However, in 1822, Vesey's plan was undermined before it could be executed. Vesey and 72 others were arrested, tried, and convicted of attempting to overthrow slavery. Although many others were involved in the plot, Vesey refused to divulge the names of coconspirators. Vesey and 35 coconspirators were hanged, and 37 coconspirators were deported to plantations on

the Caribbean islands. Vesey's planned rebellion terrified slave holders, who, in turn, enacted harsher criminal laws intent on preventing future slave uprisings. South Carolina placed guards around the military arsenal in Charleston to prevent slaves from acquiring weapons.

Nathaniel Turner

Nathaniel Turner was born in 1800 to slave holder Benjamin Turner of Southhampton, Virginia. Nathaniel Turner's mother despised slavery and taught her son to despise it, as well. On the plantation, Nat Turner was taught to read the Bible by the slave holder's son. From this, Nat Turner developed a deep faith in God. Turner believed God was preparing him to lead an uprising against slavery. He waited years for a sign from God. In 1831, Nat Turner was sold to Joseph Travis. That same year, a solar eclipse occurred. Turner saw the eclipse as a sign that the rebellion was to begin. On August 21, 1831, Nat Turner began his revolt. Turner and members of his rebellion killed the Travis family and at least 50 other Whites and then escaped into the woods.

Over 3,000 Whites were deputized to capture Turner and his accomplices. Hundreds of innocent slaves were tortured and murdered in retaliation for Turner's revolt. After a fierce battle, Nathaniel Turner was apprehended on October 30, 1831. Turner stood trial in Southampton County court and was found guilty of murder and leading a rebellion against slavery. He was sentenced to death. During his imprisonment, Turner dictated a statement to Thomas Gray detailing his insurrection for posterity. To the last, Turner maintained his belief in the emancipation of Blacks. When questioned, he refused to provide the names of escaped co-conspirators. Turner and 13 Black members of his rebellion, including a woman, were executed on November 11, 1831. Turner was hanged, skinned, and beheaded. The malevolence shown Turner at death evidences the fear and animosity toward Blacks who engaged in rebellions against slavery. States enacted even stricter slave laws. However, the rebellions continued.

The state of Maryland enacted a law forbidding any free Blacks from entering the state. Free Blacks living in Maryland were prohibited by law from possessing weapons. Harsher criminal laws were enacted throughout the country. In Virginia, the Assembly enacted a law that stated "No slave, free negro, or mulatto, whether he shall have been ordained or licensed, or otherwise, shall hereafter undertake to preach, exhort, or conduct, or hold any assembly or meeting, for religious or other purposes either in the day time, or at night." Violating this Virginia statute would result in Blacks receiving 30 lashes. Slaves were whipped, hanged, or tortured in the presence of other slaves to inspire terror and prevent acts of rebellion. The gatherings of Blacks were watched with suspicion. Even sanctioned religious meetings created great unease. Many Whites suspected Blacks used church services as a mechanism for cultivating dissent and planning uprisings against slavery. Despite it all, Africans in America rebelled against slavery.

The *Amistad*

African rebellions aboard slave ships were frequent. Terrified African men, women, and children captured by marauding raiders bore witness to heinous acts of brutality as warnings against insurrection. Upon reaching the coastal holding pens, they awaited ships to cross the Middle Passage. Rebellious slaves were tortured and killed. Once on the ship, human beings, chained one to another for weeks in cargo holds without room to stand, still found the courage to rebel. For Africans aboard the *Amistad*, rebellion meant freedom. In 1839, the *Amistad* was en route from Havana, Cuba, to Puerto Principe, Cuba, when the slaves aboard revolted. An enslaved African named Sengbe Pieh led the rebellion. During the revolt, the ship's captain, Ramon Ferrer, and another member of the *Amistad* crew were slain.

Having gained his freedom, Sengbe demanded that the ship be turned around and taken back to Africa. The surviving White members of the crew sailed the ship toward Africa by day. However, each night the ship was turned back toward Cuba. For 2 months, the ship sailed this erratic course. Then, gale force winds drove the ship to Long Island Sound near New York, where it traveled along the East Coast in search of food and supplies. The U.S. Navy brig *Washington* spotted the ship and forced the *Amistad* to dock in Connecticut. Based on the

word of the surviving White crew members, Sengbe and 37 other Africans were arrested and charged with murder and piracy. Sengbe's name was changed to Jose Cinque, a Spanish name, by a White crew member to deceive the court into believing that he had been a slave in Cuba as opposed to a person recently captured in Africa.

The trial of Sengbe/Cinque placed the role of slave rebellions before the court and the country. The government of Spain demanded the return of its ship, the slaves, and a trial in Spain for the murder of Captain Ferrer, a Spanish subject. At that time, Cuba was a Spanish territory. However, based on international law the slave trade had been outlawed under the Anglo-Spanish Treaty of 1820. Sengbe/Cinque's future would be determined by whether the court found him free or slave. Whereas a free man can defend that freedom to the death, a slave cannot. If found to be a free human being, Sengbe/Cinque would be the lawful owner of the *Amistad*. Sengbe/Cinque and the 37 other men on trial would be subjects of Africa, not Spain, and would be returned to freedom. The first trial ended with a verdict favorable to Sengbe/Cinque and the others. However, President Van Buren refused to acknowledge the court's ruling and would not allow the men to go free. Van Buren was running for reelection and depended on the southern vote, which favored the Africans either deported to Spain or executed in the United States for murder. Van Buren promised his southern constituents and the Spanish government that the ship and Africans would be returned to Spain.

Under pressure from Van Buren, the case was retried. For the second trial, abolitionists enlisted the assistance of a respected elder statesman, former president of the United States John Quincy Adams. Once again, the ruling was in favor of Sengbe/Cinque and his men. This second favorable verdict was appealed by the government. Throughout this ordeal, Sengbe/Cinque and his men remained imprisoned. The case reached the U.S. Supreme Court. Before the Court, Adams was forceful and eloquent in his defense of the ideals of freedom and justice. The Supreme Court ruled in favor of Sengbe/Cinque. In 1841, Sengbe/Cinque and his fellow captives were taken back to Africa.

John Brown

In June of 1859, John Brown, a White abolitionist, led a rebellion to free the slaves of Virginia. Deeply religious, John Brown believed that God had preordained him to lead a slave uprising. He armed himself with guns from an armory located in Harper's Ferry, Virginia. He was accompanied by 16 Whites, including his son, and 5 Blacks. Although heavily armed, Brown had inadvertently alerted the town. He seized control of the armory. Thousands of Whites, apprehensive about slave rebellions, descended upon the armory. A battle ensued during which Brown's son was killed as well as many members of his rebellion. Outnumbered, John Brown was captured, arrested, and convicted of treason. He was sentenced to death by hanging. In his final address to the court that convicted him on November 2, 1858, Brown declared, "Now, if it is deemed necessary that I should forfeit my life for the furtherance of the ends of justice, and mingle my blood further with the blood of my children and with the blood of millions in this slave country whose rights are disregarded by wicked, cruel, and unjust enactments, I submit: so let it be done!"

Conclusion

Historians debate the value of slave rebellions and the sanity of those who would risk their lives against the laws, society, and armies set to enforce human bondage. However, slave rebellions fit securely within America's history of revolution and insurrection in the name of freedom.

Gloria J. Browne-Marshall

See also Lynchings; Slave Patrols; Slavery and Violence

Further Readings

Acts of the General Assembly of Virginia, 1831.

Aptheker, H. (1993). *American slave revolts*. New York: International Publishers.

Frazier, E. F. (1957). *The Negro in the United States*. New York: Macmillan.

General Assembly of the State of Maryland, Annapolis, 1832, Chapters 281, 325.

James, C. L. R. (1963). *The Black Jacobins: Toussaint L'Ouverture and the San Domingo revolution*. New York: Vintage Books.

Killens, J. (Ed.). (1970). *The trial record of Denmark Vesey*. Boston: Beacon Press.
Turner, N. (1831). *The confession of Nat Turner*. Baltimore: Thomas Gray/ Lucas & Deaver.
United States v. The Libellants, et al., 40 U.S. 518 (1841).

Slavery and Violence

Economics and the search for profits was the driving force behind the African slave trade. But violence was the cornerstone of forced human bondage. Cold, cruel, and calculated acts of violence were used to psychologically intimidate African slaves, as individuals and as a collective, and transform them into obedient servants, keeping them in their "proper place" in the economic, political, social, cultural, and legal order. However, the dynamics of managing human chattel was extremely complex. The power of masters was far from complete. Instead of simply succumbing, slaves often responded with passive and active resistance, including violent counterattacks on White masters and symbols of power. Masters and slaves were engaged in ongoing psychological warfare, using violence as a weapon of survival and control—often with unpredictable and dangerous results.

Out of Africa: The Roots of Slave Violence

Between the 1520s and 1860s, slave traders—English, Portuguese, French, Dutch, Swedish, and American—placed 11 million African men, women, and children on ships bound for the New World. Only 9 million survived the perilous journey. Despite this high death rate, the triangular trade was enormously profitable. During the first stage, slave ship captains brought a variety of European-made goods to Africa to trade for slaves. In the second stage, the dreaded Middle Passage, captured Africans were transported to Central, North, and South America, where they were sold. Slave ship captains then returned to Europe with cotton, tobacco, sugar, rum, and molasses and a variety of other products.

Violence was the key to the African slave extraction process. European slave traders did not, with the exception of the Portuguese, actually capture slaves. Instead, they relied upon Africans to collect bodies for the Middle Passage. African kings and war lords launched attacks on neighboring tribes to capture human chattel. Africans who violated customs and laws were also sometimes sold to the European and American traders. In addition, there were professional kidnappers. African slave traders hunted lone men, women, and children who strayed from the protection of their families and tribes, putting them in chains. African kings, war lords, and kidnappers marched their captives, sometimes hundreds of miles, to European slave-processing factories and forts on the coast, where they were sold or traded for European goods. European and American slave traders were, in essence, paying Africans to enslave their countrymen and -women and ravage their homeland. War, murder, and kidnapping were the catalysts for slave-trading profits.

The second stage of the journey, the Middle Passage, required different forms of violence and terror. Ship captains and their crews, like guards in a prison, were outnumbered by their desperate and dangerous cargo. The journey from Africa to the slave ports in the Americas took between 3 weeks and several months, depending upon the point of embarkation and the final destination. Slave ships, which were essentially floating carceral cities, required carefully planned total control, including, at every stage, the use of violence. From the forts, slaves were securely bound and transported to the ships in boats or canoes. Once onboard, they were locked in irons and placed below deck. Hot, unsanitary, and inhumane conditions took their toll, with mortality rates between 10% and 20%—sometimes much higher on an individual voyage. Many ship captains kept their desperate cargo in chains for the entire journey. Others—with an eye on profits—brought them on deck for fresh air and exercise, particularly dancing. Slaves who would not dance or refused to eat or drink were disciplined. Whippings, iron collars, thumbscrews, and other forms of punishment were used to maintain order and prevent revolt. Many slave ships were structurally designed for planned violence: Small cannons and guns were strategically placed to fire down at rioting slaves.

The balance of power between slavers and slaves at sea was, however, extremely precarious.

The slaves—again, much like inmates in a prison—sometimes managed to challenge and defeat the planning and power of their keepers. Historians have documented 450 cases of shore-based attacks on American and European slave ships by Africans. In a number of instances, they overpowered the slavers and freed their family members, neighbors, and friends. Many of the 150 slave mutinies that occurred at sea were defeated by superior force. But in a number of cases—for example, the famed *Amistad* mutiny in 1839—slaves were able to overpower their captors and, eventually, return to Africa. However, for some slaves, there was no hope of escape. Rather than submit to a life in forced bondage—or, as some feared, cannibalism by their captors—they turned their violence inward, committing suicide by hanging themselves or jumping off the ship, sometimes holding their children in their arms.

Making Obedient Slaves: The Dynamics of White Violence, Surveillance, and Social Control

Life as a slave required different forms and systems of discipline, surveillance, violence, and social control. Slave masters shared a common end: transforming Africans, who did not speak English and were unfamiliar with American customs and institutions, into obedient, loyal, and hardworking servants. American political, economic, social, cultural, and legal institutions were carefully structured to build a carceral society and help masters achieve this end. However, strategies used to manage the minds, bodies, and souls of African men, women, and children, including the use of force and violence, varied in the North and South and changed over time.

Slave discipline in pre–Revolutionary War Northern colonies reflected a unique version of the "peculiar institution." Northern masters generally owned only a few slaves; these slaves lived and worked with their owners. Moreover, the relatively small number of slaves made them less of a criminal and revolutionary threat. Some Northern masters were, to be sure, brutal. Slaves were whipped, beaten, branded, mutilated, tortured, and, in some instances, even murdered. Many female slaves in the North, much like the South, were sexually abused by their masters. However, the historical record suggests that Northern pre–Revolutionary War slave discipline was, collectively considered, less brutal than in the South. Northerners were, however, willing to respond with swift and draconian state-sanctioned violence when they felt threatened. A 1712 slave revolt in New York City resulted in the execution of 21 rebels. A 1741 revolt led to the execution of 4 Whites and 31 slaves; some Black rebels were burned at the stake.

The rise of large plantations in the South, following the invention of the cotton gin in 1793, posed a new and much more serious challenge for slave masters. Some Southern plantations held hundreds, if not several thousands, of slaves. These plantations were highly complex social and economic institutions. On some large plantations, slaves were divided into specialized tasks: field corps (plowman, hoe hand, wagon driver, cook), stable and pasture staff (carriage driver, hostler, shepherd, cow herder, hog herder), domestics (butler, waiter, laundress, seamstress, dairy maid, gardener), and artisans (carpenter, miller, blacksmith, shoemaker, spinner, weaver). Formal and specialized rules of behavior were needed to maximize profits and maintain order. Large plantations also required more surveillance, particularly in states where slaves outnumbered Whites (e.g., South Carolina). Simply stated, violence was often needed on Southern plantations to deter "bad behavior" and maintain discipline and social control.

Masters were the undisputed lords of their plantations. They had the power to decide guilt and innocence and prescribe and mete out "appropriate" punishments. However, these tasks were often assigned to managers and overseers, who were sometimes slaves. Some masters were, indeed, benevolent and tolerant, establishing close personal relationships with their slaves. But many others viewed them as cogs in the production process, much like farm animals: subhuman chattel. Slaves were worked on a daily basis to physical exhaustion, if not near death. Bondsmen who did not perform their assigned tasks or obey the commands of the master or overseer could expect swift and severe punishment: whipping, beating, burning, branding, and starving, along with other forms of torture, including cropping body parts (e.g., ears). Recalcitrant bondsmen were locked in irons, tied to a ball and chain, and fitted with demobilizing iron neck collars. Slaves who did not

submit to these "corrections" faced even more draconian punishments. Some, including Frederick Douglass, were sent to "nigger breakers" who attempted to "break" slaves physically and psychologically. Others were sold into the Deep South to work and live under the harshest conditions and, more importantly, to be forever cut off from their families and friends.

Southern legal systems played an integral role in sanctioning, enforcing, and legitimizing slave-directed violence. Sheriffs, constables, slave patrols, slave catchers, urban police, militias, and vigilance committees—along with slave spies—turned the South into a police state. In many Southern states, all Whites were expected, even required by law, to confront all Negros who were traveling alone to make sure that they had a pass and, if they did not, arrest them and administer a beating. Some Southern legislatures passed laws limiting the number of strokes that a master could administer. However, these laws were rarely enforced. Masters and overseers could beat, maim, and kill their charges without worrying about state intervention. Masters who were uncomfortable administering discipline could hire a substitute. For a fee, slave patrollers and county and city jailers would whip or incarcerate disobedient slaves. Southern plantations and the South as a whole were, by design, repressive carceral states.

Black Resistance: The Dialectics and Mechanics of Slave Violence

Slave masters, particularly in the post–Revolutionary War South, created an expansive and oppressive system of social control. However, the power of slave masters and the state was far from complete. Many slaves recognized the hopelessness of their situation and did, indeed, become obedient and loyal workers. But many others refused to surrender their minds, bodies, and souls. These Black rebels responded with passive and active resistance, including violence. Masters and slaves were constantly engaged in intense psychological warfare—an ongoing dialectical battle for dignity, survival, and control.

Much of the resistance offered by slaves was work related and nonviolent. Some slaves feigned stupidity and illness to avoid work and challenging tasks. They moved slowly—hence, White legends of the "lazy nigger"—damaged farm tools, vandalized wagons, trampled crops, and pulled down fences, allowing valuable farm animals to escape. Others harmed and even poisoned horses, cows, pigs, chickens, and sheep. Theft was rampant. Bondsmen stole food, money, watches, silverware, clothes, and liquor, viewing these things as entitlement for enslavement and hard labor. Some took great pride in their ability to steal, butcher, cook, and eat hogs and sheep without being detected. Some slaves talked back to their masters and refused to complete assigned work. "Lying out" was not uncommon: Many slaves ran away on a temporary basis, often for a few hours or a few days, and returned after negotiating terms with their masters. More courageous and innovative slaves simply ran away, depriving their masters of valuable property.

Frustration, hopelessness, and alienation drove other slaves to more desperate acts, including violence. All slaves knew, as a matter of law and custom, that an attack on a White person, irrespective of provocation, was tantamount to a death sentence in the South. This was not a deterrent, however. "Bad niggers" attacked, assaulted, and even killed their masters, mistresses, and overseers. Many masters and mistresses lived in constant fear of being poisoned by their slaves. Some masters responded by using slaves, even their cooks, as food testers. Some Southern legislatures made it illegal for slaves to administer medicine to Whites. Arson was another constant concern. Slaves set fire to barns and storehouses. The homes of slave patrollers and masters were particularly favorite targets. In cities, Southern Whites knew that a well-placed conflagration would cause massive destruction.

White Southerners were, however, most fearful of slave revolts. Herbert Aptheker's classic study, *American Negro Slave Revolts*, uncovered over 250 slave rebellions in the United States prior to the end of the Civil War. Black rebels defied the surveillance and power of masters, militias, slave patrols, and punishment of the courts—in most cases, a sentence of death—in an effort to secure their freedom and attack the White establishment and symbols of power. Many slave revolts were uncovered before they got started (e.g., Gabriel Prosser's rebellion in Virginia in 1800). But revolts that shed White

blood—most notably Nat Turner's 1831 3-day rebellion, which resulted in 57 Whites killed and Turner, along with over 100 rebels, murdered or executed in retaliation—struck fear in the hearts of White Southerners. "Savage Black rebels" like Turner would indiscriminately kill White men, women, and children and destroy Southern civilization. For many White Southerners, cold, cruel, and calculated violence was the only force that could prevent Armageddon and preserve the Southern way of life.

Alexander W. Pisciotta

See also African Americans; Alienation; Black Codes; Lynching; Minority Group Threat; Moral Panics; Race Relations; Race Riots; Racial Conflict; Racism; Slave Patrols; Slave Rebellions

Further Readings

Aptheker, H. (1993). *American Negro slave revolts*. New York: International Publishers.

Bellesiles, M. A. (Ed.). (1999). *Lethal imagination: Violence and brutality in American history*. New York: New York University Press.

Blassingame, J. W. (Ed.). (1977). *Slave testimony: Two centuries of letters, speeches, interviews, and autobiographies*. Baton Rouge: Louisiana State University Press.

Cash, W. J. (1991). *The mind of the South*. New York: Vintage Books.

Douglass, F. (1982). *Narrative of the life of Frederick Douglass, an American slave*. New York: Penguin Books. (Original work published 1845)

Franklin, J. H., & Moss, A. A. (1994). *From slavery to freedom: A history of African Americans*. New York: McGraw-Hill.

Franklin, J. H., & Schweninger, L. (1999). *Runaway slaves: Rebels on the plantation*. New York: Oxford University Press.

Social Capital

Few concepts in contemporary social sciences have been subject to such a high degree of scholarly and public attention as social capital. The term *social capital* has been given a plethora of meanings, often ambiguous or tautological in nature. Nevertheless, the richness of its definitions has made social capital an attractive, all-encompassing concept that resonates with various community social problems. Its appeal is largely credited to social capital's analytical flexibility and a multitude of available empirical applications. In particular, a number of studies in the past decade have analyzed the correlation between communities' levels of social capital and crime. This entry outlines the definition and characteristics of the social capital concept as it has been developed in recent research literature. This is followed by a discussion of the concept's relevance to the study of crime and its potential to affect and shape crime in minority communities.

Social capital is a property of social context. Existing definitions of social capital revolve around three dimensions: interconnected networks of relationships between individuals and groups (social ties or social participation), levels of trust that characterize these ties, and resources or benefits that are both gained and transferred by virtue of social ties and social participation. Many scholars have criticized definitions that equate social capital solely with acquired resources. Rather, social capital is the potential of individuals to secure benefits and invent solutions to problems through membership in social networks. These networks increase the flow of information and facilitate coordinated action for mutual benefit.

A high degree of trust among network participants fosters a sense of mutual obligation and permits them to be more effective in pursuing shared objectives. Social participation may take place in political, civil, or religious arenas or even in the workplace. Additionally, scholars assign great significance to building social capital through informal social ties such as interactions with family, friends, and neighbors. Social capital is also enhanced through network closure—when individuals know each other in several capacities, for example, as neighbors, business partners, parents of same-age children, and so on.

Recent research has pointed out that social capital can also be associated with some negative characteristics. Though some forms of social capital have positive outcomes for certain social groups, the same forms can adversely affect other groups. Although tightly knit networks make

possible the achievement of certain ends for their members, this inner cohesion may restrict entry and deny benefits to nonmembers. A good example of this phenomenon is the monopoly of certain ethnic groups over particular professions (e.g., dominance of Jewish merchants over the diamond trade in New York City). Strong bonding may also produce excessive social pressure for conformity, thus undermining personal freedoms. Members forming the majority have an opportunity to fulfill their own agenda, whereas individuals who fail to obey the rules can find themselves in a position of outsiders.

Effects of Social Capital on Race and Crime

Social capital has been shown to be of great importance for societal well-being. Studies have shown that levels of social capital are related to levels of employment in communities, academic performance, individual physical health, economic growth, immigrant and ethnic enterprise, and lower crime rates in the community.

A number of empirical studies have examined the relationship between the different dimensions of social capital (e.g., trust, civic engagement, religiosity, political activism) and crime. The units of analysis vary from nations to states to clusters of counties. Overall, the findings of these studies have confirmed the connection between social capital and various forms of crime, such as homicide, firearm violence, and juvenile delinquency. Trust was the dimension of social capital that demonstrated the most consistent negative effect on crime rates.

Social disorganization theory is useful in helping explain the relationship between social capital and crime. In brief, structural disadvantages like economic deprivation, high residential mobility, and population heterogeneity hinder the ability of residents to be proactive for the benefit of their community and exert effective social control. When communities are socially fragmented, they are characterized by a low degree of social participation and mutual trust. Truncated social networks are not conducive to formulating and enforcing clear definitions and ideas about the values, problems, and needs of the community, and they may in fact weaken supervision, guardianship, and other types of informal social control. Bereft of prosocial ties, communities are defenseless in the face of destructive forms of social participation (e.g., gangs).

A major perspective linking race, crime, and social capital maintains that minority communities may experience low levels of social capital, making them more vulnerable to crime and disorder problems. The weakened solidarity of such neighborhoods may be due to their racially heterogeneous makeup—it is an empirical fact that racial diversity erodes a community's cohesion. Other potential reasons for lower levels of interpersonal contact and lack of engagement in local organizations include poverty, family disruption, and other socioeconomic problems that often plague minority communities in the United States.

A competing perspective posits that minority communities are far from bereft of social capital. This perspective argues that social capital has been examined primarily through the lens of middle-class White America. As such, the structural and historical social inequality sustained by minority populations has been overlooked, and certain "nontraditional" types of social networks that are embedded in the cultural experiences of racial minorities have been disregarded. This logic makes the connection between crime and social capital not as straightforward. A proposition has been advanced that criminal associations such as gangs represent a negative form of bonding social capital. A disadvantaged community segregated along race, socioeconomics, and other dimensions may foster its own cultural order that condones deviant behavior and allows alternative routes to achieve status and prestige—routes not consonant with conventional values.

Conclusion

Social capital can be either an anti- or a procriminal mechanism in minority communities. While the concept, as it is traditionally understood, carries a beneficial potential for the communities to combat crime, minority communities may suffer from a lack of this positive resource. Unfortunately, there is a paucity of studies that direct their attention to how racial composition of the communities shapes the relationship between crime and social capital. Furthermore, the sorts of social networks and resulting social capital available to minority communities are underexplored.

Margarita Poteyeva

See also Family and Delinquency; Social Disorganization Theory

Further Readings

Jennings, J. (Ed.). (2007). *Race, neighborhoods, and the misuse of social capital*. New York: Palgrave Macmillan.

Messner, S. F., Baumer, E. P., & Rosenfeld, R. (2004). Dimensions of social capital and rates of criminal homicide. *American Sociological Review*, *69*, 882–903.

Portes, A. (1998). Social capital: Its origins and applications in modern sociology. *Annual Review of Sociology*, *24*, 1–24.

Putnam, R. D. (1995). Bowling alone: America's declining social capital. *Journal of Democracy*, *6*, 65–78.

Social Construction of Reality

The social construction of reality is a sociological premise that individuals' reality is "invented" as a product of the objective "real" world they experience; the subjective meanings they bring to, and draw from, these experiences; and the intersubjective agreements produced in interactions with other individual actors in which they construct an agreed-upon perception of reality. This entry outlines the intellectual foundations of social constructionism. It also provides an illustration of how the philosophy can be applied to race and crime.

Intellectual Foundations of Social Constructionism

Ideas about a socially constructed reality were introduced by the early phenomenologist philosophers Edmund Husserl and Max Scheler. In their efforts to understand the structures of consciousness, they observed that the mind can be directed at real things (e.g., the dog barking in your backyard), as well as nonexistent things (e.g., your anxieties related to dogs barking in your backyard). The term was actually coined by Alfred Schutz, who sought to employ a phenomenological approach to more fully explain Max Weber's sociology of social action. Schutz's ideas about how ordinary people structure the commonsense world of everyday life inspired sociologists Peter Berger and Thomas Luckmann to write an essay on the role of knowledge in society, titled *The Social Construction of Reality: A Treatise in the Sociology of Knowledge*, originally published in 1966. *The Social Construction of Reality* is essentially a critical assessment of the fragmented state of structural theories of sociology (particularly the structural-functionalism of Émile Durkheim and the conflict theories of Weber) and Freudian psychoanalysis, approaches that were in vogue at the time. Berger and Luckmann saw a connection between these three seemingly disparate approaches and envisioned the sociology of knowledge as a method for a comprehensive understanding of the interactions between the individual person and society. Their ideas have since given rise to the study of how knowledge systems are produced, organized, stored, and distributed within society. How people think and behave is a function of the knowledge systems they have access to. Hence, the realities of a Latino gang member, a biology professor, or an Islamic jihadist vary in content, quality, and texture.

Basically, our everyday reality has a complexion made up of three domains: objective reality, subjective reality, and intersubjective reality. Objective reality is the real world independent of our thoughts, wishes, and beliefs. Subjective reality is the world as we perceive it through our thoughts, emotions, and beliefs. Intersubjective reality is the perceived world we invent in communication with other individuals as we construct ad hoc, agreed-upon views of the world.

These domains constantly intersect but are rarely congruent. Most often they collide like cars in a demolition derby. This "collision of multiple realities" has been a subject of interest among philosophers, especially phenomenologists, social scientists interested in the sociology of knowledge, and clinical practitioners, in particular cognitive-behavioral therapists.

Beginning in the Renaissance, scholars began to reexamine the cultures of antiquity and discovered that the ancients' view of reality differed from their own. This awareness of a world of multiple realities was reinforced during the Age of Exploration as Europeans came into contact with foreign cultures with radically different world views.

With the emergence of sociology in the 19th century, the notion that consciousness is embedded

within social structure became a major theme in understanding social behavior. To this extent, the sociology of knowledge has been an important tool in the development of sociological theory.

Application of Social Constructionism to Race and Crime

To illustrate the relationship among social constructionism, race, and crime in the United States, consider the following question: What came first, slavery or racism? According to the social constructionist argument, it was slavery. Businessmen along with other financial speculators in Europe and North America came up with a plan for economic development in the colonies. This was simply a fiscal enterprise aimed at accruing a profit for themselves and their investors. Their aims were nothing out of the ordinary, maybe a bigger home, some financial security, possibly a chance of advancing up the social ladder—nothing one wouldn't want for oneself or one's families.

Unfortunately, their plan involved the conspiracy to commit the premeditated crimes of kidnapping, unlawful restraint, assault, and even murder when African victims attempted to protect themselves, their families, and their freedom. It also involved the sexual abuse of many of those victims while they were held in captivity. These are some of the most feared and heinous crimes that can be perpetrated on a human being: stranger-on-stranger abduction, forced servitude for life, assault, rape, and murder. Crimes like these are committed by hardened criminal and psychopaths, not businessmen. The conspirators were faced with a moral dilemma. To maintain this enterprise, the participants and those who benefited from it were forced to construct an ideology, White Supremacy, to assuage their consciences. So, along with fellow conspirators, they constructed a reality (e.g., viewing slaves as chattel/property) in which they convinced themselves that they were not perpetrating crimes against other human beings at all. As this fiscal enterprise grew and became part of the economic and social fabric of American society, it became a national agenda to maintain this constructed view of reality.

From the social constructionist perspective, objective reality provides the real account. Slavery was a composite of serious crimes, and racism provided the rationalization needed to commit those crimes. Even in the aftermath of slavery, racism remained embedded in our cultural psyche and continued to serve to control and victimize minorities. Because socially constructed reality serves the function of keeping reality intact, racism has also been useful in convincing some minorities that they are less worthy of equality and social justice, thus maintaining the existing power structure.

John Lemmon

See also Conflict Theory; Minority Group Threat; White Crime

Further Readings

Beck, J. S. (1995). *Cognitive therapy: Basics and beyond*. New York: Guilford Press.

Berger, P. L., & Luckmann, T. (1966). *The social construction of reality: A treatise in the sociology of knowledge*. Garden City, NY: Doubleday Anchor Books.

Holzner, B., & Marx, J. H. (1979). *Knowledge application: The knowledge system in society*. Boston: Allyn & Bacon.

Schutz, A. (1967). *The phenomenology of the social world*. Evanston, IL: Northwestern University Press.

Wagner, H. R. (Ed.). (1970). *Alfred Schutz on phenomenology and social relations*. Chicago: University of Chicago Press.

Social Control Theory

Race (i.e., the major biological divisions of humankind that are indicated by color of skin, color and texture of hair, bodily proportions, and other physical features) and ethnicity (i.e., differences among people that are based on cultural customs [e.g., language, religion, food, family patterns, and other characteristics]) are important contributors to criminal behavior, especially in the United States. A substantial amount of attention is given to this issue, particularly from the media and academia. This entry provides an overview of the role of race/ethnicity in criminal behavior and the use of social control theory to explain this role. Empirical literature in this area is reviewed, and future research directions are provided.

Overview of Race and Ethnicity in Criminal Behavior

Few will argue that criminal behavior occurs in disparate ways among different races and ethnicities. Some research indicates that violent crime disproportionately occurs in the minority community. For instance, academics have documented that violent crime occurs more among young African American males than among any other subgroup in the United States. In particular, young African American males are more likely than White males to commit homicide and robbery offenses. Various data sources (e.g., official statistics, self-reports) provide evidence that supports these academic findings.

Minorities also are more likely than Whites to be victims of crime. For instance, African Americans are more likely than any other racial group to be victims of homicides. Some have documented that homicide is a major cause of death for African Americans. Further, African Americans have high rates of victimization in other offenses (e.g., robbery). These issues have particular import not only for U.S. society as a whole but in particular for African American communities.

Explaining the disparities among the races and ethnicities in the context of the criminal behavior has been a challenge for criminologists. This entry outlines two types of social control theory—social bonding theory and self-control theory—and describes how they may be used to explain these disparities.

Explaining Racial Disparities in Crime

Criminologists have provided several different theoretical rationales to help explain the disparities that occur in minority groups' connections to crime. Two of these theoretical rationales come from the social control perspective in criminology. One of these theories is social bonding theory, which emphasizes a strong connection with society as an insulator against the tendency or attraction to criminal behavior. Another of these theories is self-control theory, which is an update of social bonding theory. Self-control theory emphasizes that criminal behavior is the result of a propensity (i.e., self-control) toward criminal activity and behavior. Each of these theories and empirical evidence for and against them are described next.

Social Bonding Theory

The social control theory that was formally introduced in 1969 is now known as social bonding theory. This theoretical basis provides criminologists with a different perspective on viewing criminal behavior. That is, rather than asking "why *do* people commit crime?" social bonding theory is designed to answer the question "why *don't* people commit crime?" The theory is an expansion of previous control theories. The theory proposes that individuals who have strong bonds or connections with society are likely not to commit crime. Thus, the bonds serve as a form of insulation from criminal behavior. Therefore, criminal behavior becomes likely when the bonds are worn or broken.

Social bonding theory suggests there are four "bonds" that insulate individuals from criminal behavior: attachment, commitment, involvement, and belief. Attachment is the emotional connection to others (e.g., family or friends) or some other entity (e.g., school or church) that makes it less likely that an individual will commit crime. Commitment to a conventional activity such as education or a career makes it more likely that an individual will think through the implications that can arise from criminal activity. Involvement in conventional activities makes it less likely for an individual to commit criminal acts because he or she does not have the time to perpetrate such acts. Belief is an understanding that a common value system exists in society. Weakening or breaking one or more of these bonds will increase the susceptibility of an individual to criminal behavior. That is, an individual that is not bonded to society is likely to be attracted to criminal activity because he or she has less to lose.

The original social bonding study, conducted by Travis Hirschi in 1969, shows that racial differences occurred in criminal offending. While acknowledging sociological differences among the races (i.e., opportunity structure, stake in conformity, lower socioeconomic class culture, difficulties in family life), this research does not account for the racial differences in criminal offending. Specifically, this interpretation indicates that the

racial differences may be attributed more to police presence.

Additional research has examined the connection between race and criminal behavior. In particular, the research shows mixed results of the efficacy of the theory to explain the racial differences. That is, the early research on social bonding has not accounted for the racial differences in criminal activity. Recent research, however, has shown that the four bonds are able to account for these disparities. However, this research has primarily been used to account for the differences among African Americans and Whites. Additional research has been able to show that social bonding can account for these disparities in Hispanic and Asian populations. Because social bonding theory has a substantial amount of simplicity in its central components, some have written that it is one of the most studied theories in criminology. While social bonding is one of the most studied criminological theories, self-control theory is a revision of social bonding theory. Importantly, self-control theory has been used to provide some explanation of the racial differences in criminal behavior.

Self-Control Theory

Furthering control theory in criminology, self-control theory is based on rational choice, self-control, parenting, and opportunity. To begin, self-control theory is built on the rational choice perspetive, which assumes that individuals weigh the potential pleasure of an act against the potential pain of an act. To be consistent with classical school criminology, Michael Gottfredson and Hirschi (1990) argued that individuals would seek and choose pleasurable acts and avoid painful acts.

One potential pleasurable act is crime. Crime is an act of force or fraud that an individual pursues for his or her interest. Crime has several attributes (i.e., short-lived, immediately gratifying, easy, simple, exciting). Crime is believed to be attractive to individuals that have a tendency to be impulsive, insensitive, physical (as opposed to verbal), risk-taking, short-sighted, and nonverbal—that is, they have low self-control. These tendencies influence how individuals view the potential pleasure of an act. In particular, the characteristics of self-control cloud an individual's judgment concerning the decision to commit a crime. This suggests that individuals with low self-control are likely to see the benefits of potential acts for themselves and to forsake the implications of their acts for others or any long-term consequences for themselves. Low self-control is the tendency to avoid acts whose long-term costs exceed their momentary advantages.

Self-control theory posits that low self-control is the likely result of poor or ineffective parenting practices. According to the theory, parents must first form an emotional bond with their child. Given the emotional bond, parents are more likely to monitor their child's behavior. Parents evaluate their child's behavior to determine if the behavior is delinquent. If the behavior is delinquent, then parents use noncorporal punishment to discipline their child's behavior. However, if these parenting practices do not take place effectively and early in life—before the child is 8 years old—then the child is likely to develop low self-control, thus becoming more susceptible to engaging in criminal activity.

Gottfredson and Hirschi's self-control theory contains hypotheses about race and criminal behavior based on a comparison of strain theory and their version of self-control. Importantly, Gottfredson and Hirschi present these differences not only for certain minority groups but for all minority groups. They argue that strain theorists tend to overstate the connection between race and criminal behavior because they see strain as governing the behavior. Hypothesized in self-control theory is that opportunities and ease, rather than strain, tend to govern criminal behavior. Thus self-control would account for all the differences in criminal offending. In a step further, self-control theory suggests racial disparities in criminal behavior may be best understood by examining differences in direct supervision.

The empirical research on self-control theory is mounting. To date, a meta-analysis shows self-control has a moderate link with criminal behavior.

Research Directions

Few will argue that disparities exist among the different races when it comes to crime in the United States. Criminologists have not been able to adequately explain this particular connection. Two explanations of these disparities are social bonding theory and self-control theory. Social bonding theory suggests that individuals that do

not have strong bonds are likely to commit crime, whereas self-control theory suggests that individuals are susceptible to criminal behavior because they lack self-restraint.

Despite the research that has been produced using these theories, additional research is necessary to provide a better understanding of these disparities. Researchers should consider using more longitudinal studies. Further, additional research that includes multiple groups is necessary. That is, researchers should examine more than just two groups in their research endeavors. Additional research should include multiple theories in their examinations.

George E. Higgins

See also Conservative Criminology; General Theory of Crime; IQ

Further Readings

Gabbidon, S. L. (2007). *Criminological perspectives on race and crime*. New York: Routledge.

Gottfredson, M. R., & Hirschi, T. (1990). *A general theory of crime*. Stanford, CA: Stanford University Press.

Higgins, G. E., & Ricketts, M. L. (2005). Self-control theory, race, and delinquency. *Journal of Ethnicity in Criminal Justice*, *3*, 5–22.

Hirschi, T. (1969). Causes of delinquency. Berkeley: University of California Press.

Pratt, T. C., & Cullen, F. T. (2000). The empirical status of Gottfredson and Hirschi's general theory of crime: A meta-analysis. *Criminology*, *38*, 931–964.

Vazsonyi, A. T., & Crosswhite, J. M. (2004). A test of Gottfredson and Hirschi's general theory of crime in African American adolescents. *Journal of Research in Crime and Delinquency*, *41*, 407–432.

Winfree, L., Taylor, T., He, N., & Esbensen, F. (2006). Self-control and variability over time: Multivariate results using a 5-year, multisite panel of youths. *Crime & Delinquency*, *52*, 253–286.

Social Disorganization Theory

Social disorganization theory argues that crime and delinquency rates are a direct result of a heterogeneous, transitional, and poverty-stricken social ecology. Over time, poverty-stricken neighborhoods decay and deteriorate into crime-filled neighborhoods. Individuals from various ethnic and cultural backgrounds who cannot afford suburban living will move into cheap urban housing without strong ties to each other. The diversity of cultures will not allow strong social bonds to develop, and individuals become disinterested in maintaining community ties to prevent criminal activity. As the community continues to deteriorate, residents who can afford to relocate to other neighborhoods will leave at their earliest opportunity, thus even further hindering the development of community attachment.

Social disorganization theory was first developed by Ernest Burgess and Robert Park, who were associated with the famed Chicago School of Sociology in the early 20th century. They argued that the social ecology of a city could be examined through a pattern of five concentric zones. At the heart of the concentric zone was Zone 1, the central business district, which was surrounded by Zone 2, the zone of transition. The zone of transition was followed by Zone 3, the working-class zone, which was bordered by Zone 4, the middle-class residential zone, and finally Zone 5, the upper-class commuter zone. Each zone had its own unique personality and could be expected to produce its own distinct social behavior. Their work helped pioneer the way for future research. Clifford R. Shaw and Henry D. McKay used the concentric zone theory to examine crime and delinquency rates.

Shaw and McKay conducted several studies on delinquency over a 30-year period (1900–1906; 1917–1923; and 1927–1933). They examined court and police records of delinquents and determined that Zone 2, the zone of transition, was the area with the highest rates of delinquency. Zone 5, the zone that was the furthest from the center of the city was the least prone to delinquency. Their findings indicated that high-risk areas, not high-risk people, were associated with delinquency rates.

According to Shaw and McKay, there are three main elements of society that cause crime and delinquency rates to rise and fall in certain areas: cultural heterogeneity, geographical mobility, and poverty. When all three elements are present, crime and delinquency rates will be at their highest.

The first element, cultural heterogeneity, was based on the idea that in the late 1800s and early 1900s the constant influx of European migration caused the poorest parts of Chicago (and other major cities in America) to be filled with highly

diverse populations. Immigrants from various ethnic backgrounds filled inner cities with a variety of different cultures. The assortment of ethnicities provided an opportunity for a clash in cultural norms; such a clash can lead to crime, delinquency, disorder, and deviance.

The lack of homogeneous neighborhoods would not allow for the development of traditional ethnic and cultural values. Members of these ethnically mixed neighborhoods were unable to establish solid foundations for societal agreement on what was considered acceptable or unacceptable behavior in society. Without a common set of guiding principles, these neighborhoods would be filled with chaos.

The second element in Shaw and McKay's social disorganization theory, mobility, was based on the idea that transitional neighborhoods were most likely to be targeted for criminal activity as a result of their inability to keep long-term residents. The short-term resident would not have a vested interest in fighting off criminal activity and would allow crime and delinquency to flourish. High crime rates in lower-class neighborhoods would prevent individuals from permanently establishing themselves. As a result of this constant mobility of neighbors moving in and out of the neighborhood, meaningful relationships between neighbors could not be established to help prevent criminal activity from prospering. However, in upper-class neighborhoods where residents established themselves over a long period of time, there would be a greater unity among neighbors in fighting criminal activity.

The final element in social disorganization theory, poverty, argued that areas that were the most poverty stricken would have the highest crime and delinquency rates. Individuals that were the most economically disadvantaged would be the most likely to engage in criminal acts. Conversely, highly affluent neighborhoods, where individuals were economically stable, would have the least amount of crime and delinquency. The argument that poverty produces an increase in crime and delinquency rates has repeatedly been supported through empirical research.

Social disorganization theory had a huge impact on empirical research in criminology and criminal justice. Its multifaceted legacy includes but is not limited to the idea that it helped replace the notion that all criminals were biological throwbacks, as argued through biological criminology, or psychologically impaired, as argued through psychological theories. Social disorganization theory refuted the assumption that criminal behavior is limited to any one particular ethnic or minority group. It established the notion that communities that are stable will have lower rates of crime and delinquency. Additionally, it established that areas will have different rates of crime and delinquency depending on the social values of the area. Social disorganization theory is also credited for putting theory into practice through the establishment of numerous youth programs to aid in the fight against crime and delinquency; one such program is the Chicago Area Project, which was directly implemented by Shaw and McKay and celebrated its 70th year in operation in 2004.

Although the term *social disorganization theory* was developed in the early 20th century, social disorganization was a direct by-product of the African American migration from the Jim Crow South. Thousands of Blacks left the South for Kansas and Oklahoma during the Kansas Exodus of the 1880s and 1890s, another half million during the Great Migration between 1916 and 1919, and over a million migrated during the 1920s to Chicago, Detroit, Pittsburgh, New York, and Los Angeles.

These migrations forced cities to develop urban ghettos where African Americans were left without any job skills, education, or proper housing. Over time these urban ghettos continued to deteriorate and developed into housing areas for the most disadvantaged in society. Even after years of attempting to rebuild these areas, the truly disadvantaged of these urban ghettos are hurt even more through governmental programs that do not reach the most in need, thus allowing the elements of modern-day social disorganization (poverty, unemployment, single parent families, etc.) to continue to flourish.

Georgen Guerrero

See also Biological Theories; Chicago School of Sociology; "Truly Disadvantaged"

Further Readings

Shaw, C. R., & McKay, H. D. (1942). *Juvenile delinquency in urban areas*. Chicago: University of Chicago Press.

Wilson, W. J. (1987). *The truly disadvantaged*. Chicago: University of Chicago Press.

Social Distance

Social distance calls to mind several competing images: spatial distance between individuals or groups of individuals, psychological distance, emotional distance, empathy or lack thereof, and many more. This entry defines social distance, as it is used by sociologists and other social scientists; traces its historical development; and describes its measurement and outcomes.

What Is Social Distance?

Social distance is thought of as a measurable feeling of intimacy between individuals and other socially defined groups. The term is most often used when describing interracial or interethnic relations, but it has also been applied to other social groups characterized by occupation, education, socioeconomic status, and the like.

As originally conceptualized by Georg Simmel in the late 19th and early 20th centuries, social distance incorporated both spatial (or physical) distance and metaphorical (or symbolic) distance. Spatial distance can be reflected in physical segregation (residential, occupational, etc.), whereas symbolic distance can be thought of as the degree to which two individuals have things "in common" or share cultural and social similarities.

Robert Parks, a student of Simmel, utilized the concept of social distance in analyzing racial and ethnic "consciousness"—the degree to which members of different racial and ethnic groups felt closeness or distance from one another. Parks was interested in race relations and predicted that members of different racial and ethnic groups would increasingly feel less social distance from one another over time.

How Is Social Distance Measured?

To measure whether social distance increases or decreases with time, Emory Bogardus, working under the influence of Parks, developed the Bogardus Social Distance Scale (see Table 1). Starting in the 1920s, Bogardus administered the survey to students in U.S. colleges and universities approximately every 10 years (except in the 1930s when he was out of the country) between 1926 and 1966. In 1977, subsequent to Bogardus's death, the survey was administered again by Carolyn Owen, Howard Eisner, and Thomas McFaul. The survey asked respondents to rate a number of racial and ethnic groups on a scale from 1 to 7, with 1 representing the closest social distance, and 7 representing the widest (see Table 1). The possible responses were revised slightly between the first and subsequent surveys (see Table 1). The respondent's leftmost answer (on the survey) in each racial/ethnic category was taken to reflect that individual's sense of social distance from members of that category. The survey results were then compared over time to measure the relative increase or decrease in social distance.

Table 1 The Bogardus Social Distance Scale in Its Original and Subsequent Revision

"Would willingly admit members of each race . . ."

	Bogardus 1925	*Bogardus 1933–1966*
1	To close kinship by marriage	To marry
2	To my club as personal chums	To have as regular friends
3	To my street as neighbors	To work beside in an office
4	To employment in my occupation in my country	To have several families in my neighborhood
5	To citizenship in my country	To have merely as speaking acquaintances
6	As visitors only in my country	To have live outside my neighborhood
7	Would exclude from my country	Would have live outside my country

Findings

As was predicted by Bogardus, and later by Owen, Eisner, and McFaul, social distance did decrease (however slightly, in many cases) among social groups over time, but individual respondents tended to feel closest to members of groups with more similarities to their own. In all studies, nonethnic U.S. Whites scored closest to 1 (least social distance), followed by northern and western European Whites, while racial minorities tended to score closer to the bottom. Historic events had an effect on outcomes (World War II, the Korean War, the cold war), as did the respondents' race and/or ethnicity, gender, and place of birth (U.S./foreign and region within the United States). Two measurements were analyzed in each survey: the overall mean of the sum of all responses and the social distance spread (difference in mean score between the highest- and lowest-scoring groups). Between 1926 and 1977, the overall mean decreased from 2.14 in 1926 to 1.93 in 1977, while the spread decreased from 2.85 in 1926 to 1.37 in 1977, thereby indicating an increase in social acceptance among groups.

In 2001, the Bogardus study was replicated for the first time since 1977. Updates were made to the list of ethnic and racial groups to reflect current demographic realities in the United States, but apart from that, the survey was administered as it had been in previous studies. Additions to the list of ethnic and racial groups included Muslims, Arabs, Africans, and a number of groups from the Caribbean. Ironically, the survey was administered in the weeks just prior to and following the 9/11 attacks on the World Trade Center and Pentagon. Interestingly, but perhaps not surprisingly, Arabs and Muslims scored the highest number of 7s ("bar from entering my country"), and Arabs ranked last among the 30 groups represented in the survey. Surveys administered prior to 9/11 were excluded from the final analysis but were compared with responses obtained after 9/11, with the results that Arabs and Muslims received much more favorable scores prior to 9/11.

Apart from the unsurprising effect of 9/11, the 2001 survey had at least one very surprising finding: African Americans had, for the first time, scored in the top third of groups when ranked according to mean score. This result seems to contradict others' research on racial divisiveness in the United States, but it can possibly be explained by the relatively larger Hispanic population among respondents (who tended to rate African Americans as socially closer) or the increase in the numbers of African Americans among the middle class (thereby suggesting the influence of socioeconomic status on responses). Also interesting to note is the relative tolerance of African Americans toward Hispanics and a relatively lower tolerance of African Americans toward Whites.

Overall, the 2001 survey suggests a relative decrease in social distance, but with interesting trends among various ethnic and racial groups that defy the expected dominance of White nonethnic groups in setting social trends.

Elizabeth M. Fathman

See also African Americans; Ethnicity; European Americans; Latina/o/s; Race Relations; Racial Conflict; Racism; Structural–Cultural Perspective

Further Readings

Bogardus, E. (1967). *A forty-year racial distance study*. Los Angeles: University of Southern California Press.

Ethington, P. (1997). The intellectual construction of "social distance": Toward a recovery of Georg Simmel's social geometry. *Cybergeo: The European Journal of Geography*. Retrieved from http://www.cybergeo.eu/index227.html

Owen, C., Eisner, H., & McFaul, T. (1977). A half-century of social distance research: National replications of Bogardus' studies. *Sociology and Social Research*, *66*, 80–98.

Parrillo, V., & Donoghue, C. (2005). Updating the Bogardus social distance studies: A new national survey. *Social Science Journal*, *42*, 257–271.

Social Justice

Defining social justice is difficult. Among the important writers and scholars who have addressed this subject are Aristotle, Plato, Immanuel Kant, Karl Marx, and John Rawls. These thinkers appreciate the variable meanings of justice and have argued variously that social justice is one of many different types of justice, such as criminal,

distributive, procedural, and retributive. In this entry, *social justice* refers to an equitable distribution of benefits available in a society to all individuals and groups and concerted attempts to minimize the suffering of others.

In general, social justice is understood to mean the achievement of widespread fairness in a community. It focuses on the collectivity rather than on the individual. Social justice seeks to protect the rights of all citizens by advocating fair wages, affordable health care, improved access to education, and proper and safe work and living conditions. It includes such issues as the handling of criminals, the rehabilitation of convicts, the treatment of victims, and the prevention of conditions that foster criminality. Thus, social justice is connected to the distribution of power in society, the relative benefits groups receive, inequality, and necessities required to form and run an effective and respected democracy.

Comparing Social and Criminal Justice

A complex relationship exists between social justice and criminal justice. Most noticeably, many social injustices lead to criminal actions. For example, it is no surprise that inequality leads some individuals to engage in crime. In general, social justice looks at the bigger picture; it is a wider concept than criminal justice. Criminal justice, on the other hand, deals with the four dominant agencies that monitor or implement the criminal laws. Social justice focuses more on what is right or wrong in society and not necessarily on what is legal or illegal. Many argue that social justice may lead to criminal justice. However, rarely does criminal justice lead to social justice. Social justice is part of the larger concept of justice. This is why some university departments call themselves departments of justice, justice studies, or social justice. In essence, *social justice* is a broader yet more intangible term than *criminal justice*.

Bruce Arrigo presented one of the best explanations of the connection between social justice and criminal justice. He outlined four possibilities with respect to the association between criminal justice and social justice: Social justice is a beginning, criminal justice is the beginning, criminal justice acts dynamically with social justice, and criminal justice is independent of social justice. As he explains, one can see criminal justice as the initial starting point for dealing with individuals and organizations who violate the law, and through this process it leads to social justice. Alternatively social justice is what we start with, and through attempts to achieve social justice we also accomplish criminal justice. Then again social and criminal justice might simply go hand in hand in our attempts to deal with violations of the law, and then finally there may be no relationship whatsoever between social and criminal justice. Finally, Richard Quinney, perhaps the best-known criminologist associated with this perspective, champions the creation of a better criminology based on compassion, forgiveness, and love rather than on the concepts of guilt and retribution.

Distinguishing Social Justice From Private Justice

Perhaps the easiest way to understand social justice is to distinguish it from private justice. Private justice generally refers to a system of fairness in a private relationship (e.g., employer–employee or family matters). In this context, private justice shares many similarities with civil law.

An example of private justice might be a situation in which a worker and an employer have decided upon a suitable wage for the employee's contribution to the business. However, if it is discovered that another worker who does the same type of job is paid more at a different business, then the employer may have committed an act of social injustice.

Social justice is a dominant concern among critical criminologists and those studying race and crime. This subfield emphasizes the inalienable right of individuals to adequate and meaningful work, safe and affordable housing, proper education, and medical attention.

Jeffrey Ian Ross

Further Readings

Arrigo, B. A. (Ed.). (1999). *Social justice/criminal justice: The maturation of critical theory in law, crime and deviance.* Belmont, CA: Wadsworth.

Bedau, H. A. (1982). Social justice: What it is and why it matters. In M. Bradie & D. Braybrooke (Eds.), *Social justice* (pp. 85–97). Bowling Green, OH: Bowling Green State University.

Miller, D. (1976). *Social justice*. Oxford, UK: Clarendon Press.
Quinney, R. (1980). *Class, state and crime*. New York: Longman.
Quinney, R. (1991). The way of peace: On crime, suffering, and service. In H. Pepinsky & R. Quinney (Eds.), *Peacemaking as criminology* (pp. 3–13). Bloomington: University of Indiana Press.
Tyler, T. R. (Ed.). (1998). *Social justice in a diverse society*. New York: HarperCollins.
Young, T. R. (1983). *Social justice vs. criminal justice: An agenda for critical criminology*. Longmont, CO: Red Feather Institute.

Southern Poverty Law Center

The Southern Poverty Law Center (SPLC) is a nonprofit legal services organization with a long record of involvement in groundbreaking civil rights litigation, advocacy, and education. It seeks justice by helping individuals and organizations to transcend hatred and discrimination. This entry describes the history and work of the center.

Founded in 1971 by two attorneys, Morris Dees and Joseph J. Levin, Jr., SPLC began as a small legal firm based in Montgomery, Alabama, focusing on civil rights and dedicated to taking pro bono cases. Since its founding, SPLC has spearheaded or supported important lawsuits against government entities, industries, companies, organizations, and individuals at local, state, regional, and federal levels, including several pioneering cases brought to the U.S. Supreme Court. It has achieved remarkable and, at times, historic results: eliminating segregationist laws, removing racist policies, changing entrenched discriminatory practices, setting legal precedents, uncovering new information in long-unsolved cases, and many other advances. Some lawsuits have forced White supremacist groups to disband; others have brought them down by securing monetary damages into the millions of dollars. In 1987, for example, SPLC sued the Ku Klux Klan in Alabama on behalf of the mother of a teenager who had been abducted and beaten, had his throat cut, and had been lynched; a $7 million judgment against the group led to criminal convictions and to that group's losing its headquarters. Similarly, in 1998, the Macedonia Baptist Church—one of several Black churches burned in the mid-1990s—was backed by SPLC in a lawsuit that led to a $37 million judgment against the Klan in South Carolina that eventually led to the group's losing its headquarters property.

Through the years, the work of SPLC expanded, and the center became involved in a wide range of areas of discrimination, developing several creative initiatives along the way. In 1981, for example, it began monitoring hate activities in the United States, establishing a program called Klanwatch and eventually developing the Intelligence Project, which by late 2007 was tracking almost 900 hate groups around the country. Those examined include larger and more organized alliances such as the Aryan Nations and the Ku Klux Klan, smaller splinter and independent groups, racist skinheads, White nationalists, the growing nativist and anti-immigrant movement, and, more recently, extremist and anti-government organizations such as militia and patriot groups. It also tracks over 600 hate websites. The project is a major source of information, analysis, and training for law enforcement and other U.S. government officials, the media, domestic and international nongovernmental organizations, and various committees of the U.S. Congress.

In 1989, SPLC created the Civil Rights Memorial, a public facility that offers a chronological, multimedia record of the names, images, and histories of 40 martyrs of the civil rights movement killed between 1954 and 1968. In 2005, it established the Civil Rights Memorial Center, which houses both static and dynamic exhibits, a small theater, and the Wall of Tolerance (a creative opportunity to make a public commitment to strive for justice and human rights).

In 1991, SPLC began the Teaching Tolerance initiative, which offers educational resources at no cost for schoolteachers (grades K–12) in more than 80,000 schools, offers small anti-bias grants, and publishes a magazine with a circulation of over 600,000. Further, in 2006, SPLC began the Esperanza initiative, which provides legal representation in lawsuits to immigrant, farmworker, and low-income women facing sexual harassment, sexual assault, or other forms of gender discrimination on the job. It also offers holistic services, such as rape crisis counseling. This is part of a broader, multistate, cooperative immigrant justice effort that, for example, includes lawsuits against companies for unpaid wages to migrant workers.

Other initiatives include Every Victim Counts, which seeks to reduce undercounting in hate crime reporting; the School-to-Prison Reform Project,

which seeks changes in the juvenile justice system; and the Hate Groups Map, which geographically charts hate groups around the country.

From its establishment, SPLC has been attacked for its investigative and legal work. In the summer of 1983, for instance, SPLC offices were firebombed, and although no one was killed, many historic and important documents were destroyed. The offices are the sites of protest demonstrations by hate groups, and staff members receive many death threats; yet, the work continues to grow and receive accolades from a variety of sectors. In fact, SPLC has received much recognition for its work, including Oscar and Emmy Awards and other honors from organizations such as the Educational Press Association of America, the Federal Bureau of Investigation, and the National Association for Multicultural Education. SPLC staff persons have been acknowledged by the American Bar Association, the National Education Association, Trial Lawyers for Public Justice, and others.

SPLC looks into situations in which elements of the administration of justice have been moved from public to private arenas. It seeks to improve social relations for all peoples, especially national, racial, ethnic, gender, and other minorities. Today, SPLC continues its work against racism and discrimination and for justice through litigation, publishing, and education.

Raúl Fernández-Calienes

See also Anti-Immigrant Nativism; Anti-Semitism; Hate Crimes; Ku Klux Klan; Ku Klux Klan Act; Lynching; Militias; Minutemen; Race Relations; Racial Conflict; Racism; Sixteenth Street Baptist Church Bombing; Skinheads; White Supremacists

Further Readings

Anonymous. (2000, September 2). United States: Making racists pay. *The Economist*, *356*, 30.

Bullard, S. (Ed.). (1991). *The Ku Klux Klan: A history of racism and violence*. Montgomery, AL: Klanwatch.

Connors, P. (Ed.). (2007). *Hate crimes*. Detroit, MI: Greenhaven Press.

Dees, M. (2001). *A season for justice*. Washington, DC: American Bar Association.

Guggenheim, C. (1991). *A time for justice: America's civil rights movement* [Video]. Montgomery, AL: SPLC.

Houston, B., & Hudson, R. (2005). *Mighty times: The children's march* [Video]. Montgomery, AL: Teaching Tolerance.

Shapiro, J. P., & Kaplan, D. E. (1999, September 6). Hitting before hate strikes. *U.S. News & World Report*, *127*, 56.

Websites

Hatewatch: http://www.splcenter.org/blog

Intelligence Report: http://www.splcenter.org/intel/intelreport/intrep.jsp

SPLC Report: http://www.splcenter.org/center/splcreport/report.jsp

Teaching Tolerance: http://www.teachingtolerance.org; http://www.tolerance.org

State v. Soto

State of New Jersey v. Pedro Soto (1996) was an important case argued in the New Jersey courts that dealt with the suppression of evidence gathered in violation of the equal protection and due process clauses of the Fourteenth Amendment. The court found in favor of the defendants, holding that they had presented a prima facie case of selective enforcement by the New Jersey State Police. Attorneys for the State of New Jersey were unable to refute the case brought against it.

Background

The *Soto* case concerned combined motions to suppress evidence that the defense claimed had been obtained as a result of selective enforcement of traffic laws by New Jersey State Troopers. Seventeen African American defendants asserted that their arrests on drug charges, which had occurred on the New Jersey Turnpike between 1988 and 1991, were the results of biased enforcement of the traffic laws by the New Jersey State Troopers.

Criminal defense lawyer William H. Buckman, representing Pedro Soto in Gloucester County as well as the 16 other Blacks arrested on drug cases by New Jersey State Troopers on the New Jersey Turnpike, mounted a successful motion to suppress drug evidence seized during a traffic stop.

To set about proving its case, the defense conducted a "windshield survey" by positioning observers on the side of the roadway at randomly selected periods of 75 minutes between 8:00 a.m. and 8:00 p.m. The purpose was to make an accurate count of the number of vehicles that passed and the race of the occupants of those vehicles. The results of this windshield survey indicated that out of 40,000 New Jersey Turnpike motorists who were observed, 13.5% were Black.

The lawyer for the defense in this case also conducted a survey of the traffic violations issued by New Jersey State Troopers. This survey was conducted 10 times in 4 days between Exits 1 and 3 on the New Jersey Turnpike. The researchers drove their vehicles with the cruise control standardized and set at 55 miles per hour. This setting was 5 miles an hour over the posted speed limit. The researchers observed and documented the number of vehicles that passed their locations, the number of vehicles they passed in traffic, the race/ethnicity of each driver, and whether the driver was speeding. They found that 15% of all drivers in violation were Black; however, Black drivers accounted for more than 46% of all drivers stopped by the New Jersey State Troopers, a discrepancy greater than 3 to 1. The court found in favor of the defendants, holding that they had presented a prima facie case of selective enforcement by the New Jersey State Police. Attorneys for the State of New Jersey were unable to refute the case brought against it.

In a similar study on a section of I-95 in Florida, which had a reputation as a favorite route for those trafficking in drugs, Blacks and Hispanics made up only 5% of drivers, yet 70% of motorists stopped by members of the Florida Highway Patrol were Black or Hispanic.

Subsequent Developments

One person or case can have an immense impact upon police operations by exposing deviant and perhaps illegal police operating procedures. *State v. Soto* is just such a case. *Soto* came to the forefront as the result of an incident on the New Jersey Turnpike in April 1998 in which three unarmed minority males, two Black and one Hispanic, were shot during what was first classified as a routine traffic stop by two New Jersey State Troopers. This incident intensified claims by minorities that the New Jersey State Police had a de facto policy of drug profiling minorities driving on the New Jersey Turnpike, despite their vehement claims to the contrary.

Not only was Buckman successful on behalf of Soto and the 16 other defendants, *Soto* led to the dismissal of over 230 similar drug cases.

Buckman appeared before New Jersey Superior Court Judge Robert E. Francis representing Soto and the other 16 Black arrested persons. After a trial lasting 72 days, Judge Francis declared that it was his belief that racial profiling had been used in making the traffic stops that had eventually led to the arrests of the defendants. Moreover, Judge Francis stated that racial profiling by New Jersey State Troopers was not only allowed but that top administrators in the New Jersey State Police actually encouraged this practice.

With *Soto* as the foundation, combined with the shooting of the three minorities on a traffic stop by the New Jersey State Police, then New Jersey State Attorney General Peter Verniero announced that an investigation was under way into the operations and procedures of the 2,600-member New Jersey State Police. Indeed, at the height of the turmoil surrounding these allegations there were no less than four separate official investigations under way by the New Jersey State Attorney General's Office. The investigation was centered on the New Jersey Turnpike between Interchanges 1 and 8, which incorporates the Cranbury and Moorestown state police barracks.

The motion filed by Buckman in *Soto* centered on the guarantee of equal protection under the law contained in the Fourteenth Amendment of the Constitution. Heretofore, similar motions had been filed under the due process clause of the Fourth Amendment. However, the Fourth Amendment argument was dismissed out of hand by judges who, more often than not, acquiesced to the assessment of police officers in deciding what warranted rational suspicion of illegal action to bring about a vehicle search.

Buckman and his assistants convinced the judge to allow them to subpoena data that might demonstrate that minority drivers were being targeted for traffic stops at a disproportionate rate to their representation on the turnpike. Once the data had been gathered, analysis indicated that more Black and Hispanic motorists were involved in drug

arrests resulting from traffic stops in all categories than were Whites. Judge Francis placed the burden of proof on the prosecution to demonstrate that the drug laws of the State of New Jersey were not being selectively enforced in violation of the Fourteenth Amendment. In March 1996, Judge Francis granted a motion to suppress the drug evidence. Suppression of drug evidence in a drug case is almost always a fatal blow to the prosecution in that without the drug evidence, there is no case. However, the state refused to drop the case and continued to drag out the case until April 1999 when it finally dropped its appeal. Indeed, *Soto* embodies the primary judicial determination that permitted data concerning racial profiling to be employed as a defense in a criminal case.

In essence, *Soto* lent credibility to the assertions that the shootings of the three minority males were the result of racial profiling. However, were it not for the shootings that attracted news headlines, *Soto* may have gone totally unnoticed and unheralded in the criminal justice system. In attorney Buckman's words, "The shooting stood out in relief because of *Soto*. *Soto* stood out in relief because of the shooting."

Jim Ruiz

See also Profiling, Ethnic: Use by Police and Homeland Security; Profiling, Racial: Historical and Contemporary Perspectives; Racialization of Crime

Further Readings

Herron, D. (2000, December 4). Verniero is culpable in racial profiling. *The Star-Ledger*, p. A1.

Saharko, P. (2001, March 28). Verniero's ex-aide says office erred/But tells senate panel racial profiling mistakes not intended. *Press of the Atlantic*, p. A1.

State v. Pedro Soto, 324 N.J. Super. 66; 734 A.2d 350 (1996).

Strunsky, S. (2002, June 30). Pursuing justice, rewriting law. *The New York Times*. Retrieved from http://query.nytimes.com/gst/fullpage.html?res=9C04E4DB123EF933A05755C0A9649C8B63

Status Offenses

Status offenses are acts deemed illegal only when persons committing the offense are of juvenile status. Offenses characterized as unlawful only for juveniles include but are not limited to habitual truancy, curfew law violations, repeated running away, underage liquor law violations, tobacco offenses, and ungovernability or incorrigibility in failing to respond to the reasonable requests of parents. The range of behaviors considered status offenses varies greatly throughout the United States. Curtailing status offenses is said to be a preventive measure against future, more serious juvenile delinquent behavior. Only juvenile courts can adjudicate status offenders. Adjudicatory hearings establish responsibility for an alleged act. Critics argue that status offenders are different from delinquent youth, and contact with the courts should be avoided. The adjudication of youth for committing a status offense may lead to continued contact with the juvenile justice system, especially for minority youth. This entry presents a brief overview of status offense cases, juvenile courts, the Juvenile Justice and Delinquency Prevention Act, and the overrepresentation of minorities in status offense referrals.

Anne Stahl reported that in 2004, juvenile courts in the United States formally processed an estimated 159,400 status offense cases. Once a status offense case has been referred for court intake, the court must decide whether to process the case by filing a petition or to refer the youth away from the juvenile justice system to other juvenile delinquency service agencies. At times, juveniles charged with status offenses are held in secure detention, although this practice has been discouraged since the implementation of the Juvenile Justice and Delinquency Prevention Act (1974). The number of petitioned status offense cases processed by juvenile courts increased 39% between 1995 and 2004, with the likelihood of adjudication for petitioned status offense cases increasing from 50% to 63% in the same time frame. Truancy is the most common status offense, which accounted for 35% of petitioned status offense cases; 19% were attributed to liquor law violations, 14% involved ungovernability, 13% involved runaways, 10% involved curfew violations, and miscellaneous (9%) accounted for the least number of petitioned status offense cases. Fifty-six percent of the total petitioned status offense cases were committed by males, yet females

accounted for the majority (62%) of runaway cases, the only category in which girls represented a larger proportion of offenders. As of 2004, petitioned status offenses involving liquor law violations were most likely to be adjudicated (78%), and runaway cases were least likely (43%). In 2004, 54% of petitioned status offense cases committed by Black youth were adjudicated, with 59% leading to probation.

Juvenile Court

The juvenile court was established as a social welfare agency commissioned to perform the role of guardian or substitute parent of juveniles who violated the law and to act in the best interest of the child. Also, the court intended to separate accused youth from the harsh adult criminal court, impose age-appropriate correction treatment, and provide social welfare services for children who were dependent or neglected. The juvenile court's purpose involved informality, individualization, and intervention. Over the years, the juvenile court has been transformed from a social welfare model to a criminal court for young offenders. The main goal of the court is no longer treatment and rehabilitation. In 1999, Barry C. Feld, one of the nation's leading scholars of juvenile justice, argued that the transformation is a result of fears about other children, especially minority youth.

The Juvenile Justice and Delinquency Prevention Act

During the juvenile rights era, approximately 1960 to 1980, the United States enacted the Juvenile Justice and Delinquency Prevention Act (JJDPA). Enacted in 1974 the JJDPA mandated that states remove status offenders from secure detention facilities and separate juveniles from adult offenders in correctional institutions. This federal mandate provided a unified national program to deal with juvenile delinquency prevention and control within the context of the total law enforcement and criminal justice effort. JJDPA was meant to launch the development of alternatives to detention in dealing with status offenders. Jurisdictions took various approaches to complying with the act, ranging from those that developed appropriate community-based programming, others that possessed a harder-line approach and charged youth with delinquency, and others that disregarded status offenders altogether.

In 1976, the Deinstitutionalization of Status Offender provision originally included in JJDPA was further clarified in an effort to swiftly remove juvenile status offenders from secure detention and correctional facilities. The mandate included a compliance standard requiring states to reduce the number of confined status offenders and nonoffenders by 75% over a 2-year period. In 1977 Congress amended the act, bringing nonoffenders such as dependent and neglected youth under the provision and eliminating the requirement that deinstitutionalized youth be placed in shelter facilities, allowing states the option of nonplacement. In 1980, Congress specified that status offenders and nonoffenders must be removed from secure detention facilities and prohibited the detention of juveniles in jails. Another Deinstitutionalization of Status Offender amendment approved an exception for status offenders and nonoffenders who are found to have violated a valid court order. As of 1992, Congress required states that receive JJDPA formula grants to provide assurances that they will develop and implement plans to reduce overrepresentation of minorities in the juvenile justice system. If a state failed to make sufficient progress toward the assurances, it became ineligible for continued funding. In 2004, juveniles were securely detained in 7% of petitioned status offense cases, with liquor law violations accounting for the largest portion of detentions. Dispositions for status offense cases include formal probation, referral to an outside agency, community service, or restitution.

Status Offenses and the Overrepresentation of Minority Youth

Researchers have expressed concern about whether the juvenile justice system operates with a selection bias that differentially disadvantages minority youth. Since the inception of JJDPA, states have referred more status offenders to private-sector mental health and chemical dependency industries; however, obtaining these resources may prove to be challenging for economically disadvantaged families, resulting in these youth being

disproportionately sentenced to confinement. Other jurisdictions transfer these youth directly into the criminal justice system.

Although in 2004 the racial distribution of the U.S. juvenile population was 78% White, 17% Black, 4% Asian/Pacific Islander, and 1% American Indian (Hispanic juveniles were classified as White), Black youth accounted for 46% of violent crime arrests and 28% for property crime arrests. Of the total arrests for runaway and liquor law violations, the proportion of Black juveniles arrested was 21% and 5%, respectively. Between 1995 and 2004, the number of status offense cases increased 72% for Black youth compared to 30% for White youth. Although petitioned status offense cases increased for all racial groups during this period, the increase in runaway and ungovernability cases for Black youth outpaced that for other juveniles. Fifty-four percent of petitioned status offense cases committed by Black youth were adjudicated compared to the adjudication of 73% of American Indian, 65% of White, and 64% of Asian status offenders. However, 59% of the Black youth received the most restrictive disposition (i.e., probation), compared to only 50% of White youth, 49% Asian, and 45% American Indian. The overrepresentation of minority youth is attributed to institutional racial discrimination within the juvenile justice system. For example, the courts often set criteria for diversion and pretrial release that focus on family support and cooperation, which may prove difficult for single-parent households. In fact, the juvenile justice system is cited as intervening at a higher rate in the lives of children from divorced homes. It is important for the court to carefully consider the family risks and needs of the status offender and create appropriate and affordable programming specific to them.

Shenique S. Thomas

See also At-Risk Youth; Delinquency Prevention; Disproportionate Minority Contact and Confinement; Juvenile Crime

Further Readings

Bishop, D. M., & Frazier, C. E. (1996). Race effects in juvenile justice decision-making: Findings of a statewide analysis. *Journal of Criminal Law and Criminology*, *86*(2), 392–414.

Feld, B. (1999). A funny thing happened on the way to the centenary: Social structure, race and the transformation of the juvenile court. *Punishment & Society*, *1*(2), 187–214.

Gavazzi, S. M., Yarcheck, C. M., & Lim, J. (2005). Ethnicity, gender, and global risk: Indicators in the lives of status offenders coming to the attention of the juvenile court. *International Journal of Offender Therapy and Comparative Criminology*, *49*(6), 696–710.

Holden, G. A., & Kapler, R. A. (1995). Deinstitutionalizing status offenders: A record of progress. *Juvenile Justice*, *2*(2), 3–10.

Stahl, A. L. (2008, February). *Petitioned status offense cases in juvenile courts, 2004* [Fact sheet]. Retrieved from http://www.ncjrs.gov/pdffiles1/ojjdp/fs200802.pdf

Stop Snitching Campaign

A highly controversial yet understudied area on the dynamics of the relationship between the police and minority communities is the Stop Snitching Campaign. The Stop Snitching Campaign stands for an informal approach primarily used to deter young African American men and others from becoming snitches. The Stop Snitching Campaign is an example of the divisiveness between policing practices and community relations in minority communities. This entry explores the polemics of the Stop Snitching Campaign and offers information on differing viewpoints of this social movement that was driven by the friction between race, crime, and justice in American minority communities.

A *snitch* is the colloquial term for police informants, usually known criminals who have access to criminal groups and are able to observe illegal activities. Snitches are viewed differently from other community residents who witness illegal activities and report them to the police. In most minority communities there is a distinct difference between offering crime information as a witness and offering it as a snitch. The Stop Snitching Campaign that became popular in many minority communities across the United States targeted those individuals, mainly offenders, who in exchange for their information are able to receive leniency for their crimes and in some cases financial rewards. The use of snitches or police informants is not new in American policing crime-control practices. However, the Stop Snitching

Campaign painted a different picture of this practice. The social movement was a deliberate public attempt to persuade young Black men to stop the practice of snitching, believing it had created an indelible and noxious presence in Black and Latina/o communities.

The Stop Snitching Campaign involved multiple players and included Black celebrities and hip-hop artists, law enforcement officials, politicians, and social activists. The social demonstration against snitching acquired momentum in 2004 when a DVD prompting people not to snitch widely circulated the streets of minority neighborhoods. Following this, the campaign was marketed on the Internet, on DVDs, and on several garments such as caps and T-shirts. The DVD featured a rapper from Maryland, a National Basketball Association star, and others claiming to be drug dealers.

The Stop Snitching Campaign came under heavy scrutiny and scathing criticisms from law enforcement agents who construed it as an attack on witnesses and a serious threat to the information gathering needed to solve criminal and drug cases. The dependency on snitching is such a pervasive part of police work that without the assistance of known criminals, active drug dealers, gang members, and citizens, the arrest and prosecution of lawbreakers would be extremely difficult. As such, police agencies across the United States launched the Start Snitching/Keep Talking Campaign in response to the growing attention people were giving to the Stop Snitching Campaign. Equally, others in favor of snitching argue that it is an indispensable crime prevention strategy and that it encourages people to come forward and share information with the police. Still others claim that the Stop Snitching Campaign intimidates members of minority communities into not offering any information to the police, and this, in the end, will obstruct public safety efforts.

Despite the efforts of law enforcement to discredit the Stop Snitching Campaign movement, the tenor of the debate increased public awareness on the perpetuating racial problems that plague certain types of communities. The Stop Snitching Campaign, some will debate, highlights the overreliance of a practice that advertently creates distrust and a lack of community cohesion among residents. Some scholars have argued that snitches are pressured by officials to incriminate mostly friends and family. In addition, the divulgence of information to law enforcement officials about criminal activity has been questioned in terms of its reliability. The fact that snitches, at times, continue to commit crimes while working with law enforcement agents questions the ethics of such a practice.

The Stop Snitching Campaign is further viewed as a social demonstration on policing practices that result in the unprecedented high rates of imprisonment among young Black men from communities where snitching is ubiquitous. Those who oppose snitching further attest that the increase in the use of snitches in neighborhoods rife with disorder and distrust among residents will exacerbate the already fragile interpersonal relationships in these high-crime areas and weaken communal relations. The dissemination of Stop Snitching Campaign information opened up the discourse about race and crime and the polarized views on crime prevention strategies in minority communities. But equally important, on the individual level, it points out the dangers associated with being a police informant. The result of snitching could have high costs and lead to the victimization or death of the person involved with the exchange of information with police and court officials. Predictably, those who cooperate with law enforcement place themselves at risk of being labeled a betrayer and treated as a community pariah.

The goal of the campaign was to discourage cooperation with the police on criminal matters that would incriminate others, create community discord, and negatively add to the already troubled state of many minority communities. Although the Stop Snitching Campaign has waned since its inception, it is one of the most blatant portrayals of the diametrical views on crime prevention and control in African American and minority neighborhoods. An examination of the issues during the high peak moments of the Stop Snitching Campaign showed a racial divide between the techniques currently used by the police to gather crime information and the collateral consequences of those techniques on the levels of crime and social disorder in minority neighborhoods. The campaign has led to a call to reexamine the nature of police information gathering in minority communities and the heavy reliance of the justice system on information from snitches.

Patrice Morris and Vivian Pacheco

See also Code of the Streets; Drug Sentencing; Sentencing Disparities, African Americans

Further Readings

Hill, M. L. (2006, February 24). *Damned if you do. Damned if you don't*. Retrieved from http://www.popmatters.com/columns/hill/060224-1.shtml

Natapoff, A. (2004). Snitching: The institutional and communal consequences. *University of Cincinnati Law Review*, *73*, 645–702.

Strain Theory

Strain theory proposes that socially generated pressure, and the negative emotions that flow from such pressure, drives people to commit crime. Researchers' attention to this pressure, or strain, evokes more than 60 years of scholarship that tracks Robert Merton in the 1930s, Albert Cohen in the 1950s, Richard Cloward and Lloyd Ohlin in the 1960s, and Robert Agnew in the 1980s to 2000s. Although differing in detail, each of these traditions centers on a disparity between shared ambitions and failure in realizing those ambitions as a source of crime among disadvantaged groups. Each argues that we aspire to achieve some manner of success but that segments of the population are prevented from doing so through legal channels, such as a good job or quality education.

Strain in Society

Marking the inception of research in this area, Robert Merton argued that a socially induced disjunction between culturally valued goals and the means available for their attainment facilitates an *anomic breakdown*, or state of deregulation, leading to high rates of deviance. As opposed to Émile Durkheim's earlier conceptualization of anomie as an abnormal, pathological phenomenon, this social-structural formulation presumed that the U.S. market economy of the 1930s, a utilitarian culture that placed great emphasis on the conditions of success and failure, was characterized by a built-in disposition toward moral normlessness amid the "American dream" ideal. Here, the link between strain and delinquency is instrumental as delinquency becomes a way of obtaining what one wants but cannot get through legitimate channels.

Adaptations

Individuals facing such pressures, particularly those in the lower socioeconomic classes who are at a disadvantage, are thought to have a number of ways to respond to the stressful situation of being unable to achieve monetary success through legitimate channels. Robert Merton described the possible adaptations as innovation, conformity, ritualism, retreatism, and rebellion.

Most crime manifests through a process of innovation. Innovators remain allegiant to monetary culture goals but find they cannot succeed through education, a legitimate career, or other legitimate paths. Although adaptations focus primarily on the lower classes due to the potential for inadequate socialization in that social stratum, innovation may take form in variants of White-collar crime and in more traditional operations such as prostitution, drug dealing, or robbery. Despite the foundational work's relative lack of attention to the precise factors that determine whether one reacts to blocked goals by innovating, so-called Mertonian strain theory predicts that those who are less likely to internalize dominant societal norms are more likely to violate such norms in the pursuit of goals.

Conformists generally accept cultural goals (e.g., monetary success) and institutionalized means (e.g., education, legitimate career) and strive to achieve wealth through "approved" middle-class values. In stable societies, most persons will choose conformity; because such behavior aligns with basic societal values, Merton argued that conformity is critical for the stable formation and sustainment of society.

The third adaptation, ritualism, might best be depicted by novelist Herman Melville's well-known character Bartleby, the scrivener: a man who would "prefer not to" face life on life's terms. Although ritualists reject the goal of material success, they concentrate on retaining what little is to be gained by adhering to norms such as honesty and hard work. Retreatists, in contrast, drop out:

They withdraw from society by rejecting both the cultural goals of material success and the conventional means of achieving this success, often through excessive substance use. Rebellion, the final adaptation, is marked by individuals who replace societal values with new ones, values that can be political (e.g., socialist renewal) or spiritual (e.g., transcendence) or can take other forms.

It is important to note that adaptations are not static personality traits; instead, they are better viewed as a *choice of behaviors* in response to strain. Individuals may develop patterns of behavior that draw on several adaptations simultaneously, as in innovation, retreatism, and rebellion being brought to bear by a drug-abusing, spiritual huckster espousing higher forms of enlightenment for his adherents. In short, crime and delinquency tie in most directly with innovation (primarily), retreatism, and rebellion.

Delinquent Boys

As a point of contrast to the claim that the link between strain and delinquency is primarily utilitarian, Albert Cohen argued that the "facts" of delinquency suggest otherwise: that most delinquency is nonutilitarian, malicious, and negativistic (i.e., most delinquents do not hurt or steal for money, but do so for the "hell of it") and that delinquency is a by-product of lower- and working-class gang formation.

Here, schools provide the testing ground for criminogenesis in that children of lower social class are unprepared for the behavioral and educational expectations ("measuring rods") that dominate middle-class culture. As a result of the strain, some youth undergo a "reaction formation" and commit malicious, negativistic crimes owing to their lack of stature in the status hierarchy and their rejection of middle-class standards.

One solution to this strain is the formation of a separate, delinquent subculture in which the working-class boy can compete successfully. The delinquent subculture provides an alternative avenue to status: one that explicitly repudiates the middle-class standards that had placed the child at such a disadvantage in the first place. Rather than strained individuals using illegitimate channels to achieve their goals, Albert Cohen argues that delinquents construct a new set of goals and means altogether.

Delinquency and Opportunity

But what of lower-class juveniles who appear to resist both a utilitarian and nonutilitarian criminal calculus? As Richard Cloward and Lloyd Ohlin questioned, why do some strained youth engage in delinquent adaptations or join delinquent subcultures, while other youth choose stable "corner-boy" responses? The corner-boy response may involve nonconforming behaviors, such as truancy, but generally does not include violent acts that repudiate middle-class standards.

In an effort to answer this question, the researchers focused on the relationship between community dynamics and strain. More specifically, they argued that while some delinquency is, in fact, based on a rejection of middle-class values, these delinquents tend to engage in less-serious offenses. The more-serious offenders, on the other hand, are more utilitarian in their outlook: They desire money more than status, and their desire to spend money is conspicuous in nature. Rather than wishing to live by middle-class standards, these juveniles wish to achieve status on their own terms.

Importance of Community Dynamics

Richard Cloward and Lloyd Ohlin align with Robert Merton by arguing that most lower-class youth are blocked (or anticipate being blocked) from achieving goals of monetary success but that their conspicuous emphasis on acquiring and spending money is uniquely lower-class in nature. Perhaps most importantly, the dynamics of the community within which an anticipated goal blockage is nested will determine whether delinquency will emanate. Thus, Cloward and Ohlin assert that *delinquent subcultures* are necessary to translate strain into crime because social support acts as an enabler. If an individual's neighborhood is highly disorganized, a "conflict" subculture will form that is violence-oriented (and harkens back to Albert Cohen's model for a delinquent subculture). Due to the social disorganization of the neighborhood, few illegal opportunities are available to offset the lack of legal opportunities.

Mentors are few, whether conventional or deviant. As opposed to earning status through personal connections, technical skills, or even mere physical strength, status is earned by one's willingness to risk personal harm.

If an individual's neighborhood is more integrated, a "criminal" subculture forms where older criminals mentor younger ones in obtaining money and power through offenses such as theft and extortion. As described by Ross Matsueda and colleagues, the criminal subculture's illicit acts lead to success as conventionally defined and are marked by relatively organized slums with relatively stable relationships between both young and old criminals and conventional and criminal elements.

Related to one's degree of unequal access, individuals who have failed in both legitimate and illegitimate worlds (and have thereby relinquished both goals and means, legitimate and illegitimate) will join "retreatist" subcultures focused primarily on the consumption of illicit substances. These individuals are in effect "double failures" who have prospects in neither prosocial nor criminal activities.

General Strain Theory

After many years of prominence, strain theory received strong criticism during the 1970s as research began to suggest a weak relationship between the disjunction of aspirations and expectations for success and the theory's inability to explain middle-class delinquency. Other criticisms focused on the apparent inability of strain theory to explain variability in delinquency, such as why many delinquents go for long periods without committing delinquent acts, why many strained individuals respond in a conventional manner, and how family-related variables such as marital adjustment and parental discipline relate to delinquency.

Robert Agnew responded to the criticism with a social psychological strain theory that attempted to address criticism by reframing the issue: Rather than treating strain as a blockage of goal-seeking like his predecessors, the revised theory argued that the blockage of *pain avoidance* more closely resonates with adolescents' life realities as they are often in aversive situations from which they have no legal means of escape. Later, Agnew elaborated on the social-psychological ethos with general strain theory (GST) in 1992. Finding its theoretical lineage in the earlier models, GST emphasizes how negative relations create pressure toward crime and delinquency. Defined as relationships in which an individual is not treated as he or she would like to be treated, strain is thought to increase negative emotions (anger primarily, but also fear, guilt, or depression) and to increase the need for corrective action, with crime being one such response. Although most research on GST has focused on juvenile populations, the theory has also been applied to adult populations and to deprived communities.

Whereas life stressors can number in the many hundreds, GST is organized around three scenarios in which individuals are likely to feel they are being treated badly: when others (1) prevent, or threaten to prevent, an individual from achieving positively valued goals; (2) remove, or threaten to remove, positively valued stimuli; or (3) present, or threaten to present, negatively valued stimuli. Therefore, GST extends strain theory's focus on the disjunction between aspirations and expectations.

GST advances a range of factors that influence whether an individual adapts to strain using delinquent or nondelinquent means. The theory points to cognitive, behavioral, and emotional adaptations to strain conditioned by personal and social resources to include deviant attitudes, deviant peers, and external attribution. Additionally, the theory draws attention to the impact of magnitude, recency, duration, and clustering of strainful events insomuch as adverse events are more influential under these conditions.

"Strain" can be thought of as a distal cause of crime; it is through the processes of mediation and conditioning that crime is explained. Negative affect is presented as mediating the relationship between strain and crime, while other variables condition strain's effect on crime. As a response to criticism of GST's breadth, Robert Agnew recently completed narrative reviews of GST and attempted to tighten unnecessary amorphism by specifying the types of strain that appear to be most associated with crime. Agnew's review points to strains such as verbal and physical assaults, parental rejection, and poor school performance as being associated with crime. Among other factors, an expected failure to achieve educational or occupational success and a youth's unpopularity with peers have little association with crime.

Strain and Race

Researchers have begun to explore general strain theory's ability to account for demographic differences in crime with regard to gender and race and have begun to assess the theory among youth in different cultures and economic systems—subpopulations that have generally received little attention regarding the impact of stress on offending. With regard to race, researchers have found that discrimination (as a form of strain) is associated with feelings of anger, depression, and subsequently with aggression as a necessary interpersonal tactic. In short, race has been found to be a marker for increased risk of stress exposure.

The Way Forward

Robert Agnew's recent elaborations also provide guidance on the way forward. Outlining gaps in the literature and lessons learned, he recommends that the next wave of research on GST use strain-specific data resources, explore the utility of strain in new contexts (e.g., more robust discussions of race), and be more explicit about the conditions that facilitate crime. To the last point, research specifies that strains appear to be more likely to lead to crime when they are seen as unjust, high in magnitude, and associated with low social control and when they create pressure or incentive to engage in criminal coping.

Stephen K. Rice

See also Code of the Streets; Culture Conflict Theory; Racism

Further Readings

Agnew, R. (1992). Foundation for a general strain theory of crime and delinquency. *Criminology, 30,* 47–87.

Agnew, R. (1999). A general strain theory of community differences in crime rates. *Journal of Research in Crime and Delinquency, 36,* 123–155.

Agnew, R. (2001). Building on the foundation of general strain theory: Specifying the types of strain most likely to lead to crime and delinquency. *Journal of Research in Crime and Delinquency, 38,* 319–361.

Agnew, R. (2006). *Pressured into crime: An overview of general strain theory*. Los Angeles: Roxbury.

Agnew, R., & White, H. R. (1992). An empirical test of general strain theory. *Criminology, 30,* 475–499.

Cloward, R. A., & Ohlin, L. E. (1960). *Delinquency and opportunity: A theory of delinquent gangs*. New York: The Free Press.

Cohen, A. K. (1955). *Delinquent boys: The culture of the gang*. Glencoe, IL: The Free Press.

Merton, R. K. (1938). Social structure and anomie. *American Sociological Review, 3,* 672–682.

Vold, G. B., Bernard, T. J., & Snipes, J. B. (2002). *Theoretical criminology* (5th ed.). New York: Oxford University Press.

Structural–Cultural Perspective

In the social sciences, specifically criminology, the structural–cultural perspective is an alternative theoretical model that explains how social problems in Black communities are the result of structural-level inequalities and dysfunctional cultural response patterns. This emerging theory introduces the role of race in creating structural constraints that are systematically embodied in community-level contexts and attribute to high crime rates within the African American community.

Proposed in the 1980s by William Oliver, the structural–cultural perspective introduces an integrated theory that combines structural conditions and cultural adjustments to such environments in the field of criminology. Oliver, who applied the theory in several writings, suggests that the causes of social problems and violence among African Americans are associated with disproportionate opportunities created by various social structures in the United States. He used the perspective in his earlier works to explore the alternative image of masculinity among African American males. Oliver proposed that racial oppression has led to a dysfunctional masculine identity that is associated with violence and aggressive behavior. He also used the theory to examine other forms of violence within the African American community, theorizing ways for improving social problems by using the perspective as a basis for refining the Afrocentric ideology. In the 1990s, Douglas S. Massey and Nancy A. Denton incorporated structural and cultural factors, suggesting that residential isolation and poverty is

the product of structural inequalities rooted in racial discrimination. Robert Sampson and William Julius Wilson integrated both factors when exploring community-level crime patterns and structural inequalities in underprivileged communities.

Basic Assumptions

The structural–cultural perspective is based on two basic assumptions. The first assumption is that structural constraints contribute to increasing social problems among African Americans. Oliver uses the term *structural pressures* to refer to the structural transmission of White supremacy through education, economics, and the workforce. He suggests that these social institutions were produced by prevailing prejudice, racism, and discrimination. Therefore, the same inequalities that are used to create these social structures are responsible for social constraints that hinder the advancement and progression of the African American communities.

The second assumption of the structural–cultural perspective draws on the inadequate response to racial discrimination and prejudice among African Americans. *Dysfunctional cultural adaptation* is a term that refers to the form of group response that African Americans use to culturally adapt in disadvantaged structural and cultural settings. Instead of adequately responding to racial discrimination and prejudice, this assumption suggests that Blacks have dysfunctionally adjusted to conditions of structural inequalities.

Two Major Problems of Dysfunctional Cultural Adaptations

An underdeveloped Afrocentric thought and the tendency of Black males to embrace nonconventional identities of masculinity are two major problems of dysfunctional cultural adaptations. The lack of success African Americans have achieved developing a collective Afrocentric identity is directly associated with the sociohistorical projection of minorities throughout various social institutions in the United States. In the educational system, religious philosophy, and other agents of socialization, the contributions made to the growth and the development of the United States by minorities are often excluded. Socializing agents tend to attribute major contributions and accomplishments to individuals of European descent, which depicts Whites in superior and authoritative roles. Whites are inherently perceived as civilized, attractive, scholarly, and desirable, whereas non-Whites are considered as uncivilized, unattractive, ignorant, and undesirable. Thus, these images became ingrained in the sociopsychological thought of both Whites and non-Whites, affecting each group differently. Whereas Whiteness becomes accepted and embraced, non-Whiteness is often rejected and regarded as insignificant. The image and cultural identity of Blackness is demised, and individuals of color have difficulty developing a Black cultural identity.

The second major problem of dysfunctional cultural adaptations is the tendency of African American males to embrace nontraditional identities of masculinity. William Oliver suggests that manhood depends on the ability for males to attach themselves to the roles that constitute masculinity within any given society. In the United States, traditional masculinity is achieved when an individual is able to provide for his household, is emotionally stable, and has achieved economic stability. Because a society has various sets of accepted gender-based behaviors and roles, factors such as race, ethnicity, and social positioning affect men's ability to successfully achieve masculinity.

Environmental constraints, such as unemployment and poor education, are other barriers that make it difficult for men in racial minority groups to adapt to traditional male gender roles. When racial groups are systematically deprived of equal access to economic success, political power, and educational opportunities, they tend to be disproportionately disadvantaged. These disadvantages create restraints that limit the skills and resources needed to enact traditional male gender roles.

In the United States, African American men are viewed as threatening by many Whites. As a result, many Black men experience systematic forms of oppression that are embedded in structural and cultural contexts. Social institutions condition Black men to adapt to dysfunctional roles and behaviors to counteract oppressive conditions. During this process, African American men are subject to receiving messages of inferiority through various agents of socialization. When Black men

are not able to achieve traditional gender roles, they tend to develop other meanings of masculinity within that particular racial group. These nontraditional definitions tend to portray Black men as "tough guys," "players," or both. These definitions are then passed from one generation to the next generation. Over time, various agents of socialization convey White supremacy to Black males and aid in the development of an inferiority complex. This course of action is referred to as the *inferiorization process*.

"Tough Guys" and "Players"

In the United States, many Black men have disproportionate rates of unemployment, incarceration, and illiteracy as a result of institutionalized racism. Therefore, many construct culturally specific masculine identities to adapt to institutionalized forms of White racism. Instead of adopting the roles of protectors and providers of communities, many are often viewed as being responsible for dysfunction and panic within these neighborhoods. The development of these nontraditional roles of masculinity has contributed to the formation of "tough guy" and "player" identities among Black males.

The lack of skills, education, and economic success has also attributed to the construction of a culturally specific tough guy identity. Adherence to this tough guy identity plays a significant role in Black-on-Black crime and domestic violence within the African American community. Because Black men disproportionately commit community-level crimes, neighborhood residents often fear them. Some Black men adapt the tough guy identity by committing spousal abuse, homicides, and other forms of violent behavior. The adaptation of this identity has led to the high rates of crime in Black neighborhoods and a generalized fear of Black men.

In addition to violence, Black males also adapt the roles of players, by engaging in sexual promiscuity. Culturally, the transition from adolescence to adulthood for Black men is often based on sexual conquest. When Black men accept the role of players, they tend to disrespect women and exploit them sexually disproportionately. Because of this role adherence, Black males are viewed as highly sexual, violent, and dangerous. Traditional roles of masculinity depict men as monogamous individuals who are responsible for the family household. Unfortunately, many poor and uneducated Black men experience structural-level constraints that have emerged from a history of systematic racism and oppression. These environmental constraints make it difficult for poor Black males to provide for their families and households; thus teenage mothers and female-headed households in poverty are common among Black families.

Although the structural–cultural perspective is used to explain social problems and crime, the adoption of a communal Afrocentric perspective would prove beneficial in improving social problems in the African American community. Afrocentricity is a standpoint that is founded on traditional African societies, beliefs, and principles that is used to reestablish the influence of African culture in a contemporary African American society. It recognizes historical injustices experienced by Africans and African Americans, identifies the day-to-day oppression that African Americans face, and promotes methods for navigating through systems of oppression. It involves socializing Black youth with Afrocentric values through the family, church, and mass media. This intervention process encourages Black youth and adults to remove constraints that hinder cultural and structural achievement.

LaSheila S. Yates

See also Race Relations; Racialization of Crime; Sentencing Disparities, African Americans

Further Readings

Massey, D. S., & Denton, N. A. (1993). *American apartheid: Segregation and the making of the underclass*. Cambridge, MA: Harvard University Press.

Oliver, W. (1984). Black males and the tough guy image: A dysfunctional compensatory adaptation. *Western Journal of Black Studies, 8,* 199–203.

Oliver, W. (1989). Black males and social problems: Prevention through Afrocentric socialization. *Journal of Black Studies, 20,* 15–39.

Oliver, W. (1989). Sexual conquest and patterns of Black-on-Black violence: A structural-cultural perspective. *Violence and Victims, 4,* 257–273.

Oliver, W. (1994). *The violent social world of Black men*. New York: Lexington Books.

Oliver, W. (2003). The structural-cultural perspective: A theory of Black male violence. In D. F. Hawkins (Ed.), *Violent crime: Assessing race and ethnic differences* (pp. 280–318). Cambridge, UK: Cambridge University Press.

Sampson, R. J., & Wilson, W. J. (1995). Toward a theory of race, crime, and urban inequality. In J. Hagan & R. D. Peterson (Eds.), *Crime and inequality* (pp. 37–54). Stanford, CA: Stanford University Press.

Wilson, W. J. (1987). *The truly disadvantaged: The inner city, the underclass and public policy*. Chicago: University of Chicago Press.

Subculture of Violence Theory

The subculture of violence refers to a set of norms, values, or attitudes that exist within a group and in which violence is an accepted part of the lifestyle of that group. In general, a subculture is formed by those who share something in common, such as class, ethnicity, religion, or place of residence. Social science theorists have observed that subcultures may establish social norms that are in opposition to those of the society at large, such as those regarding violence. A subculture of violence is characterized by its members' shared belief that violence is part of a way of life, a way to end disputes, and a way to gain respect and prove one's manhood. In the United States, subcultures of violence are commonly associated with certain regions or groups of people, for example, among young urban minority males and in the rural South, though such subcultures exist in other nations as well. This entry reviews the history of the subculture of violence theory, outlines its main theoretical contributions, and describes several instances of subcultures of violence outside the United States.

The emergence of the concept of subcultures in social science following World War II introduced a new phenomenon for study. It led social scientists, especially criminologists, to explore how a subpopulation's behavior could be influenced by their acceptance of a set of values that deviated from those of mainstream society. Thus, members of a given subculture that has different norms regarding crime will pursue activities that conflict with the law, bringing them into contact with the criminal justice system and affecting its ability to deter crime. The subculture of violence began to be researched frequently in the 1950s and 1960s and has continued up to the present day.

Pioneering Research

Albert K. Cohen, in his 1955 book *Delinquent Boys*, examined the subculture of urban, low-income working-class youth who were gang members. Cohen argued that subcultures form because individuals share the same beliefs, values, or experiences and find comfort in being with others who are similar. In this subculture the boys' hostility toward middle-class norms led them to create their own oppositional system of values, which legitimated violence against others and destruction of property.

Many observers have noted the persistence of such subcultures in low-income urban neighborhoods, particularly those with large African American populations. Young males who feel alienated from middle-class values and unable to succeed on those terms instead create their own value system that involves objectives they are able to obtain, such as enhanced social status based on the perpetration of violent acts. This is often seen in relation to rivalry between gangs, in which young men fight each other to gain recognition. In this way a subculture arises, with its own rules and codes of behavior.

Walter B. Miller furthered the work of Cohen in the study of subcultures. In an article that appeared in the *Journal of Social Issues* in 1958, Miller detailed his explanation for subcultures based on research he conducted that focused on the differences between the cultures of the middle and lower social classes. Within lower-class culture, certain traits and beliefs are valued that are not valued within the dominant, middle-class structure. These include the knack for getting into trouble and avoiding consequences, exhibiting physical toughness, having street sense and being able to outsmart someone else, seeking excitement, and believing that things are left up to fate. Members of such an inner-city community might emphasize toughness and outsmarting others because their neighborhood is a violent place where being able to defend oneself is important.

Richard Cloward and Lloyd Ohlin took the idea of subcultures further in their 1960 book *Delinquency and Opportunity: A Theory of Delinquent Gangs*, which was based on their field research. In this book, the authors detail the lives of members of a delinquent subculture. Individuals within the gang prize violence and fighting as a way to gain respect for themselves and their gang. Physical aggression is accepted and expected when rival gangs battle. Like Miller, Cloward and Ohlin argue that one reason subcultures form is the inability of their members to achieve success on the terms dictated by mainstream society; in reaction, they band together to create an oppositional set of values. For example, those who are unable to achieve financial success might value dominance through physical aggression.

The subculture of violence theory gained further recognition with the 1967 publication of Marvin Wolfgang and Franco Ferracuti's *The Subculture of Violence: Towards an Integrated Theory in Criminology*, which integrated both psychological and sociological constructs to explain deviant behavior in a subculture. The authors included such sociological constructs as culture conflict, differential association, and theories pertaining to social systems and personality. From psychology they incorporated theories on socialization, as well as learning and conditioning. Wolfgang and Ferracuti argued that the violence of such subcultures is passed down through cultural transmission in which the subculture itself serves as a learning environment.

On the basis of research conducted by Wolfgang in 1958 on homicide in Philadelphia, Pennsylvania, Wolfgang and Ferracuti concluded that the highest rates of homicide were found within a mainly homogeneous subcultural group in an urban community and also in some rural communities. Wolfgang and Ferracuti's subculture of violence thesis included the notion that those within the subculture are not entirely different from those in the larger culture; they differ only in the norms they hold regarding certain issues such as violence. Also, individuals who are part of a subculture of violence are not violent in every situation; there are rules and norms for when violence is appropriate to use and when it is not. Although the belief that violence is acceptable is shared by those of all ages within the subculture, it is especially prominent among males in later adolescence to middle age. Wolfgang and Ferracuti argue that violence within a subculture is learned and that those who use violence within this alternate culture do not have to deal with feelings of guilt for using violence, because violence is accepted in their culture.

In inner cities, the subculture of violence is most prominent among youth gangs. However, neighborhood residents are well aware that the culture of violence exists and that violent incidents are all too commonplace. Many minority males are concentrated within these inner-city neighborhoods and subscribe to this subculture of violence. Gangs are often divided along racial lines, so that subcultures exist within subcultures. A larger subculture of violence may exist in a disadvantaged neighborhood, and each gang may have its own customs regarding the appropriate use of violence in situations.

Recent Research

Elijah Anderson presents a current contribution and application of the subculture of violence thesis in his research in the 1990s on inner-city communities. He argues that there is a "code of the streets" that young African American men living in these communities abide by. For example, according to the code, the way to respond to someone disrespecting you is with violence. This subculture influences the lives of all community residents. Anderson argues that although there are those that may not live by the code, they still must act a certain way on the street to avoid violence and harm.

A subculture of violence is also related to the environment of urban women and certain roles they undertake. Women who work as prostitutes find themselves immersed in a subculture of violence. Many of these women have experienced violence throughout childhood and as adults; as sex workers they may be subject to violence from the men they serve as customers and the men they work for, known as pimps. These women come to regard violence as a normal part of life and may themselves use violence against other women, their own children, or the men in their lives.

Much research has focused on subcultures of violence in cities; however, subcultures of violence also exist in rural areas. A number of researchers have examined the connection between high levels

of violence seen in the southern United States and a subculture of violence, especially racial violence, and particularly among rural Whites. The subculture of violence in the South, with its historical recourse to vigilante justice, is rooted in events associated with slavery, the exploitation of the Southern states by the North after the Union victory in the Civil War, and the code of honor upheld by many southerners who identified themselves with the antebellum southern aristocracy. Religion can contribute to an acceptance of violence in some subcultures, particularly in rural areas. A principle such as "an eye for an eye" can be viewed as a guiding principle that can justify violence.

The southwestern United States has long been associated with tolerance for a subculture of violence, including vigilante justice, as portrayed in countless "dime novels," western movies, and television series. Among the southwestern rural population, extralegal violence has sometimes been justified by readings of biblical texts that support the principle of "an eye for an eye."

Civic involvement is one of the factors that may reduce an individual's participation in a violent subculture through increasing that person's investment in mainstream society and its norms.

Subcultures of Violence in Other Nations

There is ample evidence that subcultures of violence exist outside the United States. In 2008, Jukka Savolainen, Martti Lehti, and Janne Kivivuori published the findings of their research in Finland in the journal *Homicide Studies*. In this study, the authors examined homicide rates in Finland from 1750 to 2000. They found that Finland has seen an increase in post–World War II lethal violence in certain regions and within certain populations in the country. The regions that have experienced homicide rate increases are those that have been plagued by long periods of high unemployment rates and increased migration of citizens out of the area. These authors also found that alcohol consumption has played a role in Finnish homicide rates.

The authors' examination of the data led them to conclude that the persisting homicide rate in Finland is a result of a subculture of violence and not, for example, the national economic welfare system or the structure of government. Finnish homicide rates deviate from other western European nations, beginning in the 19th century. The data reveal that the highest rates of homicide are found among a particular population: Middle-age, uneducated, and unemployed men who reside in semi-rural areas and drink alcohol account for large proportions of violence in Finland. This population has built a subculture of violence separate from the mainstream Finnish culture. Its members generally do not kill for monetary or material gain. The violence is often a result of conflicts that arise while drinking in private homes. When a dispute arises, differences are settled by violence. The men who make up this subculture have little incentive from the government to refrain from using violence; little social support is offered to them to pursue a mainstream Finnish middle-class lifestyle. Thus they act outside the norms, using their own rules and guidelines to live by, which include the use of violence.

Another subculture of violence can be seen in Colombia in connection with the trafficking of narcotics. Colombia's history includes many episodes of violence, civic and political; however, today the violence has become concentrated in a subculture of those involved in the drug trade, who use and accept violence as part of everyday life and as a way to settle disagreements. The Colombian illicit drug industry draws heavily on the peasant population, and historically peasants have often settled disputes in villages with violence; this in turn has influenced the world of drug trafficking. The subculture of violence associated with drug trafficking in Colombia has been elevated further to include acts of terrorism. Those involved believe that violence is acceptable not only against those involved in the trade but also against others who are not. This group accepts violence as a norm, as an accepted means to an end, regardless of outside influences or attempted interventions from their own or other nations' governments.

Shelly Clevenger

See also At-Risk Youth; Code of the Streets; Cool Pose; Focal Concerns Theory; Structural–Cultural Perspective

Further Readings

Anderson, E. (2000). *Code of the street: Decency, violence, and the moral life of the inner city*. New York: Norton.

Bibes, P. (2001). Transnational organized crime and terrorism: Colombia, a case study. *Journal of Contemporary Criminal Justice, 17*(3), 243–258.

Cloward, R., & Ohlin, L. (1960). *Delinquency and opportunity: A theory of delinquent gangs*. Glencoe, IL: The Free Press.

Cohen, A. K. (1955). *Delinquent boys*. Glencoe, IL: The Free Press.

Dixon, J., & Lizotte, A. J. (1987). Gun ownership and the southern subculture of violence. *American Journal of Sociology, 93*, 383–405.

Hackney, S. (1969). Southern violence. *American Historical Review, 74*, 906–925.

Lee, M. R., & Bartowski, J. P. (2004). Civic participation, regional subcultures, and violence: The differential effects of secular and religious participation on adult and juvenile homicide. *Homicide Studies, 8*(1), 5–39.

Miller, W. B. (1958). Lower class culture as a generating milieu of gang delinquency. *Journal of Social Issues, 14,* 5–19.

Parker, K. F., & Pruitt, M. V. (2000). How the West was one: Explaining the similarities in race-specific homicide rates in the West and South. *Social Forces, 78,* 1483–1508.

Savolainen, J., Lehti, M., & Kivivuori, J. (2008). Historical origins of a cross-national puzzle: Homicide in Finland, 1750 to 2000. *Homicide Studies, 12*(1), 67–89.

Surratt, H. L., Inciardi, J. A., Kurtz, S. P., & Kiley, M. C. (2004). Sex work and drug use in a subculture of violence. *Crime & Delinquency, 50*(1), 43–59.

Wolfgang, M. E., & Ferracuti, F. (1967). *The subculture of violence: Towards an integrated theory in criminology*. Beverly Hills, CA: Sage.

Supermax Prisons

Over the past 25 years, changes in correctional policies at federal and state levels have resulted in the creation of supermax housing for inmates in more than 44 states. Supermax prisons are defined as prisons, or separate housing units within maximum-security prisons, designed for the secure control of inmates who have engaged in the following activities in prison settings: (a) committed violent or assaultive behavior against other inmates or staff in another institution, (b) have had difficulty following the rules in lower prison security settings, or (c) have been defined as an inmate who requires housing in a more controlled and restrictive prison setting for some other reason associated with being a threat to institutional security. Thus, these facilities are said to have been designed to house inmates described as the "worst of the worst," hardened criminals, and inmates who are unable to be controlled through other means.

There is no uniform term used consistently by correctional officials when referring to supermax facilities. For example, a review of the literature reveals that supermax facilities have been referred to as special housing units, intensive prison management units, maxi-maxi, secured housing units, and administrative maximum units. Regardless of the term used, supermax facilities have two primary goals: to isolate disruptive inmates from the general population and to serve as a deterrent for future misbehavior on the part of inmates.

Supermax prisons house a growing number of inmates. Currently, it is estimated that more than 25,000 inmates in the United States reside in some form of supermax housing. As supermax prisons have grown in popularity across the country, a significant number of minority inmates have been subject to the extreme restrictions associated with life in such institutions. According to Relly, two thirds of inmates in supermax facilities are minorities. Supermax prison populations vary from state to state, ranging from a low of 1% of all offenders in one state to 5% in another. Given that African Americans and Hispanics comprise 60% of all inmates sentenced to 1 year or more in prison, it is expected that the supermax prison environment has a dramatic impact on the incarceration experiences of minorities.

Driving Forces

There are several reasons why there has been a dramatic increase in the number of supermax facilities. First, in the 1980s when the first supermax prisons appeared, there was a significant increase in prison violence, riots, and correctional

staff killed by inmates housed in maximum-security facilities. The federal penitentiary in Marion, Illinois, considered to be the first supermax prison by many, experienced significant inmate violence, which resulted in the death of two correctional officers in 1983. As a result of the deaths of the correctional officers, the federal penitentiary in Marion placed inmates on 23-hour-a-day lockdown and implemented numerous other policies restricting inmate movement and outside contact. Other states modeled their supermax programs after the federal penitentiary in Marion in response to their own increases in institutional violence and loss of institutional control in maximum-security prison settings. At the same time, many correctional officials associated the loss of institutional control in maximum-security settings with the fact that there were few options for dealing with disruptive inmates who were already serving long sentences in the most restrictive environments available at the time. Finally, the creation of additional supermax units received widespread public support. Public support was in part a result of the "get tough" attitude en vogue at the time and a consequence of the tough economic times that hit rural communities starting in the 1980s. Supermax prisons were seen as a boon to rural economies.

Characteristics

Although the terms used to define supermax prisons vary, there are certain common characteristics associated with prison or unit operations. Prison design reflects an emphasis on security and control. Supermax buildings or housing units are designed to minimize inmate movement, increase the ability of correctional officers to observe inmates, and isolate the inmates from negative prison influences. Thus, supermax prisons built within the past 10 years have significant architectural and technological advancements not seen in other types of correctional facilities, such as closed-circuit television; the provision of medical and psychological treatment services via remote technology; and the use of robotics for the delivery of food, opening doors, and closing inmate cell doors. Moreover, in most supermax facilities, inmates are single-celled, locked down for 23 hours a day, receive only 1 hour of recreation (which may or may not take place outside prison walls), and have limited contact with correctional staff and visitors. If visits with family or friends are allowed, these are no-contact visits. These facilities are often located in rural areas far away from the locations where inmates had previously lived and worked. Inmates are fed in their prison cells and rarely leave the institution, even for medical care or court appearances. The majority of supermax prisons offer very limited rehabilitative program possibilities. When rehabilitative programming is offered, typically the service is one-on-one and conducted with bars separating the inmate from the service provider.

Related Issues

Recent literature reviews and research reports have identified several problematic areas related to incarceration in the highly restrictive supermax environment. One issue raised by detractors is the fact that the extreme isolation experienced by inmates housed in supermax facilities increases mental health problems (e.g., depression, suicide, and violent tendencies) among inmates rather than reducing problematic behaviors. Still others argue that as correctional agencies have struggled to fill beds in supermax facilities, correctional agencies have begun to house inmates who are not necessarily disciplinary problems in this more restrictive environment. For example, several states now house or intend to house their death row inmates in supermax facilities. Inmate gang members, regardless of whether the gang member has engaged in disruptive behaviors, are also being placed in supermax prisons. Moreover, critics of supermax prisons report that these facilities are more expensive than housing inmates in regular maximum-security prisons. Lawsuits are pending in several states over the constitutionality of supermax facilities; many argue that the prisons represent a violation of inmate rights and protections against cruel and unusual punishment. Supporters of supermax prisons continue to assert that regardless of cost or other negative consequences for inmates, supermax prison environments increase the safety and security of inmates, staff, and society.

Martha L. Henderson

See also Prison, Judicial Ghetto; Prison Gangs

Further Readings

Mears, D. P. (2006, March). *Evaluating the effectiveness of supermax prisons* (Research Report, Urban Institute, Justice Policy Center). Retrieved from http://www.urban.org/UploadedPDF/411326_supermax_prisons.pdf

Relly, J. E. (1999, April 29–May 5). Supermax: Inside, no one can hear you scream. *Tucson Weekly*. Retrieved from http://www.tucsonweekly.com/tw/04-29-99/feat.htm

SUPERPREDATORS

Superpredator is a term coined by John Dilulio to capture the spirit of immoral, violent, and out-of-control juveniles. In a 1995 article titled "The Coming of the Super-Predators," Dilulio predicted that the juvenile crime and delinquency rates were headed for epidemic proportions. This anticipated epidemic led to social and political outcries for less pampering of juveniles and more punitive treatment. Scholars have given significant attention to discussing the literature on superpredators. To that aim, this entry defines and describes the nature of the superpredator, reviews legislative and judicial responses that represented a more punitive approach to dealing with superpredators, and considers the impact of these policies on juveniles, particularly African Americans.

The Concept of Superpredators

Juveniles of the late 20th and early 21st centuries are described as being better educated and confident than any previous generation. Yet, the label "superpredators" has been attached to some of these youth; they are described as being materialistic, egoistic, apathetic, irresponsible, and amoral, and ultimately are stereotyped as being a generation that is dangerous and unconscionable. Scholars postulate that the decadent behavior of these juveniles results from their exposure to negative events (e.g., poverty, graphic violence, broken families, and sexual abuse) that predict the likelihood of engaging in crime and delinquency. For example, the National Center for Children in Poverty (NCCP) indicated in 2004 that approximately 18% of all children in the United States lived in poverty. After hitting a low of 12.1 million children in 2000, more than 1.4 million children have been added to the poverty rolls, becoming members of this country's "new poor." After a decade of decline, the NCCP's September 2007 report indicated that the proportion of children living in low-income families is increasing again, a trend that began in 2000. In 2006, the overall child poverty rate was 17%; the rate was 33% for African Americans and 27% for Hispanics. Children who grow up in poverty experience significant hardships that can have lasting effects well into adulthood and can contribute to joblessness and incarceration.

Juveniles are bombarded with graphic violence in the media. For example, approximately 98% of all households in the United States have a television. These households operate their televisions on an average of 28 hours per week, exposing teenagers to approximately 23 hours per week and younger youth to approximately 2 to 11 hours per week. As a result, children are exposed to approximately 8,000 murders and 100,000 other acts of violence on television by the time they have completed elementary school. According to the American Psychiatric Association, these figures double by the age of 18.

Juveniles who have been victims of sexual abuse are more likely to engage in delinquent behavior. Girls are more likely to be victimized by family members and often respond by running away from home, which leads to street-level crimes, such as prostitution, theft, and selling drugs, as well as further abuse and exploitation of others.

Juveniles born to single-parent families are subjected to more strain, partly because of limited financial support, a lack of parental supervision, and a negative school experience. Among African American families, this phenomenon is exacerbated by the high rate of male incarceration. In the United States, African Americans comprise 12% of the population; yet, 1 in 13 of all adult African American males are incarcerated in a prison or jail. In fact, an African American boy has a 32% chance of being incarcerated at some point in his life, compared to a 17% chance for Hispanics and a 6% chance for Whites. For African American women, the incarceration rate is not as high as it is

for African American men, but it is increasing more rapidly; the growth trend is alarming by doubling the rate for men; the incarceration rate for African American women grew 267% between 1985 and 2000 in federal and state prisons.

Although research indicates that there is a direct correlation between juveniles' exposure to negative events and their involvement in crime and delinquency, this correlation fails to explain the decline in crime and delinquency rates during the 1990s, particularly for numerous major cities. A significant example is the murder rate for teenagers, which tripled from 1985 to 1993 but has since sharply declined. Despite this trend, some scholars continue to argue that society should remain punitive. Notably, from 1985 to 1993, the murder rate for teenagers tripled before making a sharp decline. When crime and delinquency statistics are disaggregated, there is further evidence of the superpredator myth. For example, in 2005, although murder arrest rates were higher among Blacks under the age of 18, Whites under the age of 18 had higher arrest rates for forcible rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft, and arson. Yet, incarceration rates for Blacks were higher than those for Whites.

Legislative and Judicial Responses to Superpredators

In the late 20th century, the United States witnessed a major transformation of the juvenile court from a rehabilitative model (initiated by the child savers movement of the late 19th century and early 20th century) to a more punitive model. Society's fear of superpredators created an urgency to "get tough" on juvenile offenders. In response to these fears, legislators enacted a variety of laws reflecting this more punitive approach, including curfew ordinances, mandatory sentencing guidelines, laws requiring longer sentences, and laws allowing more frequent transfer of juveniles to the adult court system.

For example, between 1991 and 1996, 47 states implemented substantive changes to laws governing the transfer of youth to adult courts. Several judicial responses contributed to the transformation of the criminal justice system. In the 1991 Illinois case of *People v. P.H.*, the Illinois Supreme Court decided that the gang-transfer provision of a transfer statute was constitutional. In other words, if the juvenile has a prior adjudication of delinquency for a felony and is later charged with a felony in furtherance of gang activity, the state may transfer the juvenile to the adult court. The Illinois Supreme Court also found that the gang-transfer provision did not violate constitutional provisions regarding separation of powers, double jeopardy, equal protection, or due process.

In 1994, the Illinois Supreme Court ruled in *People v. R.L.* that automatically trying youth 15 and 16 years of age as adults on charges of committing a drug offense on a public space within 1,000 feet of public housing is constitutional. Although arguments were presented to show that the law was racially discriminatory, the rationale for the court's decision was that racial discrimination is not the sole determinate triggering strict scrutiny.

Many states have adopted laws to make it easier for juveniles to be tried as adults, but these laws vary among states, and critics note that the decisions-to-transfer process may be arbitrary. For example, the State of Maryland can automatically transfer juveniles (depending on the age) to the adult court after they are charged with committing serious crimes, such as murder, rape, aggravated assault, or armed robbery. In most states, 14 is the age at which juveniles may be transferred to the adult court; however, some states do not have a minimum age. Maryland law also grants the juvenile court the right to waive its jurisdiction in any case, including those involving a misdemeanor, when the juvenile is 15 years of age or older.

The prosecutorial direct-file provision grants prosecutors the discretion in deciding which offender and what type of offenses will be transferred to the adult court. In fact, prosecutors often overcharge the juvenile with committed offenses to ensure that the juvenile receives a transfer to the adult court.

Laws that facilitate transfer of juveniles to adult court have several significant consequences. First, juveniles transferred to the adult court do not receive an individualized assessment of their potential to be rehabilitated. Second, juveniles transferred to the adult court may spend a significant amount of time in adult detention (potentially 6 months or more) before a ruling in the case. Finally, the impact of juvenile transfer policy may vary among racial groups. Research shows that African Americans are

more likely than Whites to be transferred to adult facilities. For example, the Maryland Department of Juvenile Justice reported in 1995 that 73% of the juvenile transfer cases to the adult court involved African American juveniles. Similar findings were reported in Ohio, Minnesota, California, Florida, Pennsylvania, and South Carolina.

Opposition to the Punitive Approach

Opponents of juvenile transfer statutes argue that U.S. society demonizes children by inflicting punitive policies on children when, in fact, claims concerning increased crime and delinquency rates are unfounded. These critics argue that minority children are particularly demonized because they are more likely to be impacted by these policies. They also note that juveniles in adult facilities are a vulnerable population among adult offenders. For example, juveniles in adult facilities, compared with juveniles in juvenile facilities, are 5 times as likely to be sexually assaulted, 2 times as likely to be beaten by staff, and 8 times as likely to commit suicide. Finally, juveniles in adult facilities are more likely to recidivate than juveniles in juvenile facilities. The controversy about rehabilitative versus punitive approaches continues among policymakers, although some research suggests that support for rehabilitation of juveniles is strong among some segments of the public.

Sherrise Y. Truesdale-Moore

See also Juvenile Waivers to Adult Court; Violent Juvenile Offenders

Further Readings

Agnew, R. (2009). *Juvenile delinquency: Causes and control* (2nd ed.). Los Angeles: Roxbury.

Bartol, C. R., & Bartol, A. M. (2009). *Juvenile delinquency and antisocial behavior: A developmental perspective* (3rd ed.). Upper Saddle River, NJ: Pearson.

Dilulio, J. J. (1995, November 27). The coming of the super-predators. *Weekly Standard*.

Elikann, P. (1999). *Superpredators: The demonization of our children by the law*. Reading, MA: Perseus.

Federal Interagency Forum on Child and Family Statistics. (2005). *America's children: Key national indicators of wellbeing 2005*. Washington, DC: U.S. Government Printing Office.

Mauer, M. (1999). *Race to incarcerate*. New York: The New Press.

Merlo, A. V., & Benekos, P. J. (2003). Defining juvenile justice in the 21st century. *Youth Violence and Juvenile Justice, 1*(3), 276–288.

Moon, M. M., Sundt, J. L., Cullen, F. T., & Wright, J. P. (2000). Is child saving dead? Public support for juvenile rehabilitation. *Crime & Delinquency*, *46*, 38–60.

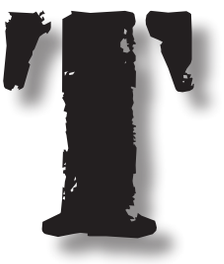
People v. P.H., 582 N.E.2d 700 (1991).

People v. R.L., 634 N.E.2d 733 (1994).

Reiman, J. (2007). *The rich get richer and the poor get prison: Ideology, class, and criminal justice*. Boston: Pearson.

Young, D. A. (1998, June 5). *Trying children in adult courts* (Human Rights Watch report). Retrieved from http://www.hrw.org/reports/1999/maryland/Maryland-02.htm

Zimring, F. (2007). *The great American decline*. New York: Oxford University Press.



TASERS

Taser is an acronym for the Tom A. Swift Electronic Rifle. It is a brand name for an electronic device for the control of people. It was first developed in the 1960s and 1970s. During the 1990s, the Taser was introduced to law enforcement use as an alternative to the use of deadly force. It has been reported that as of 2007, more than 11,000 law enforcement agencies in the United States use the Taser. Although in itself the Taser is a race-neutral tool, police use of the Taser has been disproportionately directed toward minorities. This entry describes Tasers, principles of use of force escalation, and issues related to race and the use of Tasers.

A Taser is a hand-held device that fires two small darts, connected to the device with thin wires, up to a distance of approximately 35 feet. The darts can penetrate clothing and once they make contact with the target, a 50,000-volt electric shock is transmitted. The electric shock results in the disruption of the target's nervous system, resulting in the temporary incapacitation of the target. The Taser is not considered a firearm because it uses compressed nitrogen to launch the darts. A Taser can also be used as a stun gun by pressing it directly against the body of the target, thereby administering the electric shock.

Since the practical recognition of civil rights by the Warren Court concerning police abuse in the 1960s, the improper use of deadly force has become a significant problem for law enforcement agencies. The U.S. Supreme Court decision of *Tennessee v. Garner* (1985) highlighted that there were significant limits to the use of deadly force under the Bill of Rights.

The general principle of escalation of force by law enforcement consisted of the following continuum: verbal control, hand control, handcuffs, mace, batons, and finally firearms. The huge gap between the use of the baton and the use of a firearm presented problems for law enforcement. As a result, a number of people shot by law enforcement personnel, who arguably should not have been shot, could have been saved if there was a less-lethal alternative.

A number of alternatives were tried. The Taser, in the 1990s, became the primary selection of law enforcement as a nonlethal alternative to the use of deadly force where the baton was insufficient to control persons. However, the Taser has presented its own set of problems, which have resulted in lawsuits and limiting legislation.

Many law enforcement agencies have reported outstanding success concerning the Taser. These agencies cite numerous examples where the use of the Taser has prevented the use of deadly force in many situations, thereby saving lives. There is little doubt that the availability of a nonlethal tool to control people who need to be subdued is much preferable to the use of a firearm.

As of 2007, according to Amnesty International USA, there had been at least 250 deaths as a result of the use of the Taser by law enforcement in the United States and Canada, which belies the "nonlethal" claim concerning the use of the Taser. Many

of the deaths have been attributed to related medical conditions, such as heart disease, to illicit drug use at the time the Taser was used, and to Tasers.

There has been extensive criticism of the method and circumstances in which the Taser has been used. For example, law enforcement personnel have used the Taser on a 6-year-old boy who held a broken piece of glass, on a 12-year-old girl who was running from a law enforcement officer, on an elderly person who failed to stand up when ordered to do so by a law enforcement officer, and on a person already handcuffed, who subsequently died. Also, there have been numerous criticisms of the use of the Taser on people with mental illnesses. Further, there have been numerous complaints of the Taser being used to torture subjects, by both multiple and extended applications of the electric shocks.

The resulting furor about the problems with Tasers has resulted in numerous lawsuits and calls for controlling legislation. In partial response to these complaints, special cameras can now be attached to Tasers whenever they are used. However, the problems with the use of Tasers are not color blind. Numerous newspapers and official reports address this issue. For example, from 2006 to 2007, in Sioux City, Iowa, of 70 uses of the Taser, 33 were against racial minorities. Over a recent 2½-year period, the city of Houston, Texas, employed the Taser over 1,000 times, 63% of the time against African Americans, even though African Americans constitute 25% of Houston's population. Another study showed that between November 2004 and March 2005, Tasers were used by Houston police officers 87% of the time against minorities. Between 2001 and 2003, in Seattle, Washington, 45% of the subjects of Taser use were African American, even though they constitute just 8% of the population.

What is unique about the Taser is its ability to inflict a high degree of pain and suffering on a suspect while leaving few marks, such as those that would be left by a baton or a firearm. When Taser use results in death, there is physical evidence of its misuse, but in nonlethal cases, it is more difficult to prove misuse. As demonstrated in the case of Rodney King, without evidence such as a videotape or physical evidence, it is difficult to establish charges of police abuse through the use of Tasers.

William C. Plouffe, Jr.

See also Discrimination–Disparity Continuum; Disproportionate Minority Contact and Confinement; King, Rodney; Police Accountability; Profiling, Racial: Historical and Contemporary Perspectives; *Tennessee v. Garner*

Further Readings

Amnesty International. (2007, October 1). *Amnesty International's concerns about Taser use: Statement to the U.S. Justice Department inquiry into deaths in custody*. Retrieved from http://www.amnesty.org/en/library/info/AMR51/151/2007

Kedir, S. H. (2007). Stunning trends in shocking crimes: A comprehensive analysis of Taser weapons. *Cleveland State University Journal of Law and Health*, *20*, 357–384.

Seals, E. (2007). Police use of Tasers: The truth is "shocking." *Golden Gate University Law Review*, *38*, 109–138.

Television Dramas

The category "television drama" includes episodic crime series and nongenre series that have a strong criminal justice component. Examples of the latter include the nongenre series *I'll Fly Away* (NBC, 1991–1993). This critically acclaimed but short-lived series, set at the dawn of the civil rights era, was narrated by a young African American woman (Regina Taylor), who worked as the housekeeper for the district attorney (Sam Waterson) in a southern town. Also set in the South, the Lifetime series *Any Day Now* (1998–2002) chronicled the renewed interracial friendship between the two female protagonists. Rene (Lorraine Toussaint) was a lawyer, the daughter of a civil rights attorney, who has returned to Atlanta. Mary Elizabeth (Annie Potts), wife, mother, and would-be writer, had been her best friend when they were children. Although set in modern-day Birmingham, Alabama, each episode included flashbacks to the 1960s when Mary Elizabeth's uncle, who was both a sheriff's deputy and a member of the Ku Klux Klan, symbolized the corrupt criminal justice system. As television dramas, *I'll Fly Away* and *Any Day Now* were rare exceptions to standard primetime programming. Dramas that focus with

sensitivity and depth on race/ethnicity and criminal justice have not been standard television fare. Until the 1960s, with the exception of situation comedies in which they were cast as servants or in stereotypical roles, African Americans and other racial/ethnic minorities were a barely visible presence on television. This entry examines the progression of the representation of race/ethnicity in television crime dramas.

Crime Series

In 1965, *I Spy,* a groundbreaking series, debuted on NBC. Reflecting the popularity of James Bond films, *I Spy* (1965–1968) featured two American espionage agents who traveled the world posing as a professional tennis player (Robert Culp) and his trainer (Bill Cosby). The first primetime drama to feature an interracial partnership, *I Spy* was also the first television drama to feature an African American actor (Cosby) in a starring role.

During the civil rights era, a number of other series debuted featuring racial/ethnic minority characters as law enforcement officers. Among these series, *Mod Squad* (1968–1973) featured a trio of young undercover cops (one White male from a wealthy family; one attractive blonde White female from a troubled home; one intense, brooding Black male). The three worked undercover for a middle-aged, White male police supervisor who had recruited them for assignments involving the 1960s counterculture (i.e., hippies, drugs, political and social conflicts). Other crime shows, such as *Adam-12* (1968–1975), *Hawaii Five-O* (1968–1980), *The Rookies* (1972–1979), and *Police Woman* (1974–1978), featured police officers of color as part of an ensemble cast.

Although the presence of a laugh track precludes describing this show as a drama, *Barney Miller* (ABC, 1975–1982) often took on serious issues (including ageism, sexism, and racism). Set in a New York City police precinct, the characters were as diverse as those of any crime drama on television. Captain Barney Miller (Irish American) was in charge. The squad room regulars included Fish (White, elderly, and Jewish); Harris (African American); Wojciehowicz (Polish American); Amanguale (Puerto Rican American); and Yemana (Japanese American). The presence of these characters and the two female detectives and a brainy White detective (Dietrich) who appeared later in the series fueled debates about attitudes and perceptions. In a memorable fifth season episode ("The Harris Incident," November 30, 1978), Harris's colleagues are shocked by his emotional response when he is shot at by two White patrol officers who mistook him for a suspect.

The debut of *Hill Street Blues* (NBC, 1981–1987) brought audiences into a gritty urban precinct where comedic incidents were interspersed with moments of high drama. In the first episode, two patrol officers, Andy Renko (Charles Haid) and Bobby Hill (Michael Warren), were gunned down. Because of audience response to the "chemistry" between the two characters (White "cowboy" and more serious Black partner), the two survived the shooting. The series featured another "salt-and-pepper" partnership between Detectives Johnny (J. D.) LaRue, who liked to party, and his more serious partner, Neal Washington (Taurean Blacque). The show also featured a Hispanic lieutenant, Ray Calletano (Rene Enrique) and an Italian American precinct captain, Frank Furillo (Daniel J. Travanti). Frank Furillo's lover and (later) wife, Public Defender Joyce Davenport (Veronica Hamel), affectionately called him "Pizza Man." The police in this urban precinct were involved in an ongoing effort to keep the peace among warring local gangs.

The debut of *Miami Vice* (CBS, 1984–1989) heralded the birth of the "cool" cop as reflected in the fashions worn by Ricardo "Rico" Tubbs (Philip Michael Thomas), the debonair, suit-clad African American detective from New York City, and his White partner, James "Sonny" Crockett (Don Johnson), who made pastel tee-shirts and rolled-cuff jackets look manly. The ensemble cast also included a Hispanic commander, Lieutenant Martin Castillo (Edward James Olmos); a Hispanic female detective (Saundra Santiago); and the detective's partner, an African American female (Olivia Brown). While the women spent much of their time going undercover as the girlfriends of the crime bosses the team was targeting, Tubbs and Crockett posed as drug buyers, arms dealers, and other high-profile criminals. The episodes played out against the soundtracks that accompanied Tubbs and Crockett as they rolled through nighttime Miami in expensive cars.

In 1990, *Law and Order* debuted on NBC. This series became the first in the *Law and Order* franchise, including *Law and Order: Special Victims Unit* (1999–) and *Law and Order: Criminal Intent* (2001–). On ABC, *NYPD Blue* (1993–2005) offered a racier (e.g., bare posteriors in showers and lovemaking) look at the personal lives of its detectives. Unlike the *Law and Order* series, *NYPD Blue* spotlighted the private lives of its characters. As other characters came and went, Detective Andy Sipowicz (Dennis Frantz) emerged as a leading character. A bigoted alcoholic, Sipowicz frequently locked horns with the squad's African American commander, Lieutenant Arthur Fancy (James McDaniel). With the departure of his White male partner, Sipowicz was teamed with a Latino detective, Bobby Simone (Jimmy Smits). During the course of the series, grumbling and often ill at ease, Sipowicz adapted to racial/ethnic and sexual diversity in the squad room (including a gay civilian clerk).

On television crime shows, as in real life, politics and the police bureaucracy may affect both interpersonal relationships and how cases are handled. Based on David Simon's nonfiction book, the NBC series *Homicide: Life on the Street* (1993–1999) was set in Baltimore. As in the city itself, the series portrayed African Americans holding positions high in the hierarchy of the police bureaucracy. However, as a middle manager at the precinct level, Lieutenant Al Giardello (Yaphet Kotto) was forced to navigate the often treacherous waters of the bureaucracy. His detectives included Frank Pembleton (Andre Baraugh), who was African American and Catholic. Pembleton, who became a favorite of viewers and critics for his skills as an interrogator of suspects, was partnered with Tim Bayliss (Kyle Secor), a less-experienced White male detective. Although much of the focus of the series was on crime solving, certain storylines reminded viewers that many of the victims and offenders in the city of Baltimore were African Americans. For example, Bayliss was haunted by the fact that he was never able to solve the murder of a little Black girl named Adena. Race also played a role in the personal lives of the detectives. In one episode, the widowed Al Giardello (a dark-skinned Black male) had a blind date. Displaying intraracial color prejudice, Giardello's lighter-skinned date rejected him.

Narrative Complexity and Ambiguity

One of the hit crime shows of the 1960s and 1970s, *Mission: Impossible* (CBS, 1966–1973), featured a Black male (Greg Morris) as the electronics wizard Barney Collier, who was the mastermind that allowed the espionage team to carry out its carefully timed missions. In modern crime series, characters of color often provide the expertise essential to either solving the crime or evaluating victims and suspects. Contemporary crime dramas, such as *Law and Order: Special Victims Unit* (1999–), *CSI: Crime Scene Investigation* (CBS, 2000–), and *The Women's Murder Club* (ABC, 2007–), routinely feature characters of color as forensic experts (i.e., medical examiners, psychiatrists, or crime science technicians).

Yet, for all of this "virtual integration," scholars and media observers have expressed concern about the distortions that occur in television crime dramas. In contrast to the real-life demographics of violent crime, the focal victims presented in these dramas tend to be White and middle or upper class. The presence of victims and offenders of color is often open to multiple and ambiguous readings by the audience. For example, on *Law and Order* (1990–), there is often a plot twist aimed at the snug assumptions of the police or the prosecutors. In her first appearance on the series, S. Epatha Merkerson, who would later be cast as Lieutenant Anita Van Buren, played a cleaning woman whose infant was killed when someone shot into her house. The detectives came to the office building where she was working to tell her about her baby's death. She collapsed, sobbing. Later, she responded with anger when the detectives asked if her 10-year-old son is involved in a gang. The twist came when it was revealed during the trial that the African American youth who was the shooter killed the baby because he couldn't read his instructions and went to the wrong address. In another episode, an African American associate in a Wall Street firm killed his boss. The novel defense used in this case was "Black rage." An African American researcher testified about the rage-inducing humiliations experienced by Black high achievers. White District Attorney Jack McCoy (Sam Waterson) argued that the homicide was premeditated murder and won a conviction. The twist came outside the

courthouse, when a taxi passed a Black man in a suit to pick up Jack McCoy.

This same ambiguity can be seen in the casting of a police detective on *Law and Order: Special Victims Unit* (1999–). Rapper-turned-actor Ice-T, notorious for his hard-hitting musical commentary on police violence, plays politically conservative Detective Odafin "Fin" Tutuola. In one episode, after the discovery of several children who had been killed in a cult mass murder, Tutuola decided to take some time off to deal with his strong emotional reaction to what he had seen. This was in marked contrast to the response of White male detective Elliot Stabler (Christopher Meloni), who insisted that he was unaffected and could cope. On the surface, the viewer might assume that Fin is better adjusted than Elliot, who is angry, volatile, and had been sent to psychiatric counseling on other occasions. However, the decision by Fin to remove himself from an ongoing investigation in which children have been killed might also be interpreted by some members of the audience as lack of dedication to his job. But regular viewers of the show would be aware of the fact that on numerous other occasions, Fin had displayed compassion and concern for victims and been passionate in his commitment to obtain justice for them. As with the other characters, Fin's personal life, including his troubled relationship with his son, has gradually been revealed. When contemporary television dramas combine episodic storytelling with serial elements, it makes for what communications scholar Jason Mittell has described as "narrative complexity." At the same time, the incorporation of serial elements raises intriguing questions about the perceptions that audiences develop of the characters in these dramas.

Recent crime series, especially those on cable networks, have presented morally ambiguous characters in series with high levels of graphic violence. Such series include *Oz* (HBO, 1997–2003), *The Wire* (HBO, 1997–2003), and *The Shield* (FOX, 2002–), about a special unit in the Los Angeles Police Department. In these series, it may be that race/ethnicity is less relevant to the viewing audience than the enjoyment of the moves and countermoves engaged in by the characters. However, when a series is set in a maximum security prison (*Oz*), the city of Baltimore (*The Wire*), or Los Angeles (*The Shield*), one of the questions that should be of interest to researchers is how the series negotiates the terrain. For example, does the series offer an accurate presentation of an urban inner city? Does the series attempt to avoid stereotypes and allow the characters to be complex regardless of race/ethnicity? Or, for example, on a show about White ethnic protagonists, such as HBO's *The Sopranos* (1999–2007), about an Italian American Mafia family, how was race "coded"?

Stages of Representation

The representation of race/ethnicity and justice issues in television dramas, particularly crime dramas, is important because most people acquire their knowledge about crime, justice, and race-related issues from news and entertainment media. In their research on the depiction of racial minority characters on television, Bradley S. Greenberg and P. Baptista-Fernandez concluded that there are several phases of representation, as the groups move from invisibility to egalitarian depictions. The presence of characters of color in crime dramas, and the fact that these characters are sometimes invested with both legal and moral authority, might suggest that these depictions have moved toward the egalitarian end of the continuum. However, researchers have found that the racial "coding" that occurs in television dramas may be conveying another message to viewers. Prior research has indicated distortion in the images of race/ethnicity on television primetime shows. Future research must examine the evolution of characters in television dramas and audience perceptions of character complexity.

Frankie Y. Bailey

See also Media, Print; Media Portrayals of African Americans; Media Portrayals of Asian Americans; Media Portrayals of Latina/o/s; Media Portrayals of Native Americans; Media Portrayals of White Americans

Further Readings

Bogle, D. (2001). *Primetime blues: African Americans on network television*. New York: Farrar, Straus, & Giroux.

Chopra-Gant, M. (2007). The law of the father, the law of the land: Power, gender and race in *The Shield*. *Journal of American Studies*, *41*(3), 659–673.

Eschholz, S., Mallard, M., & Flynn, S. (2004). Images of prime time justice: A content analysis of *NYPD Blue* and *Law & Order*. *Journal of Criminal Justice and Popular Culture*, *10*(3), 161–180.

Gerbner, G. (1970). Cultural indicators: The case of violence in television drama. *ANNALS of the American Academy of Political and Social Science*, *388*, 69–81.

Kocela, C. (2005). Unmade men: The Sopranos after Whiteness. *Postmodern Culture*, *15*(2).

Mastro, D. E., & Greenberg, B. S. (2000). The portrayal of racial minorities on prime time television. *Journal of Broadcasting & Electronic Media*, *44*(4), 690–703.

Surette, R. (2006). *Media, crime, and crime justice: Images, realities, and policies*. Belmont, CA: Wadsworth.

Television News

The way that people perceive race and crime is often driven by the media. The public may simply assume that crime happens and the news media report the details. On the contrary, the media construction of race and crime is a complex interweaving of both fact and fiction oftentimes set in an overarching racist narrative.

The depiction of race by the media is impacted by three primary factors: media influence on an audience, media ownership, and media depictions of race and crime. Although the media have a somewhat moderate influence on audiences, they do have the power to narrate how race and crime is discussed. Lastly, common depictions of race and crime contribute to the social construction of beliefs about who commits crime and who are the victims of crime. This entry examines all of these areas as they relate to television news.

Media Influence

Communication researchers argue that the media do not tell us how to think, but they are rather effective at telling us what to think about. This is known as the "agenda-setting" function of the media. For instance, if the media focus on the number of murders in a city, audiences will tend to believe that the murder rate is an important issue. Moreover, when the media tend to cover certain races and neighborhoods, audiences begin to associate crime with a particular race and neighborhood.

Coupled with this agenda-setting function, the media also guide us in how we think about an issue. This is known as media "framing." A recent example of media framing can be seen in the coverage of Hurricane Katrina in New Orleans, Louisiana. African Americans that took items from abandoned stores were called "looters," whereas their White counterparts were called "survivors."

Researchers suggest that the media use two forms of framing: episodic and thematic. Episodic framing of crime may include particular instances of criminal and police activities. This style is common in local television news coverage where crime appears disjointed and random. Episodic framing fails to set crime into a wider context. Television news, especially local news, often fails to address issues of poverty, racial tensions, and the activities of government officials. To the average viewer, crime may seem chaotic and random.

Thematic framing sets crime into a greater context such as race and politics; an example of this type of framing is an in-depth look at the effects of poverty on crime. However, thematic framing is not the norm, especially with local television stations that pour money into helicopters and news vans that bring "late breaking" news. Moreover, critics suggest that thematic framing tends to be just as racist as episodic framing because it creates a narrative of non-White criminals burdening a White society.

Researchers also argue that the media may shape our perceptions of race and crime over time. When the media portray an issue in a certain way, there is a cumulative effect over an extended period of time in which the public begins to believe that the media depiction is reality. For instance, when the media repeatedly links violent crime with low-income African American and Latina/o neighborhoods, audiences may begin to believe these depictions to be reality. Or if the media continuously link terrorism with people of Arab descent or with Muslim beliefs, an association between race and crime is created. Thus, people may believe that the world is a much more violent place than it is in reality. Moreover, people may also believe that violence and crime are more prevalent in certain races.

Research also suggests that television viewers have been conditioned to associate crime with a certain race, to the point that if television depicts a White perpetrator, viewers may later remember the perpetrator as non-White. This occurs even though a number of surveys found that most people, regardless of race, think that non-Whites are overrepresented in crime coverage.

The Business of the Media

In the 20th century, the media morphed from community storytellers into profit-driven enterprises. Newspapers, television, radio, film, and the Internet all depend on advertising money to produce the stories we read, watch, and hear. Driven by the need for higher ratings (and thus higher advertising revenue), the media tend to be drawn to sensationalistic stories and episodes of extreme violence.

Media ownership is primarily made up of White males. This in turn impacts the diversity of content and the depictions of non-Whites in the media. Moreover, media content and advertising have historically been geared toward a White audience. Though the characterization of non-Whites has been slowly changing, the media often fall back on stereotypic depictions of race.

In terms of audience, those who obtain news primarily from television are more likely to be less educated and be at a lower economic status than people who obtain news from print media.

Television News Depictions of Race and Crime

The way the news media tell stories of race and crime influences how we perceive the reality of race and crime. Yet, television is, by design, built for sound bites, images, and sensationalistic hooks; such a format lacks the necessary depth to fully tell the narrative of race and crime. These quick images tend to subtly, and at times overtly, promote stereotypical and racist beliefs. For example, when talking about a rise in violent crime, news stations tend to use non-White people and neighborhoods as background images.

Research has shown that violent crime involving African Americans and Latina/o Americans is more prevalent in media news than are incidents of White crime. Moreover, Whites are more likely to be portrayed as the victims of violent crime (even though crime statistics suggest that non-Whites are actually more likely to be victimized by violent crime). Media narratives also construct race and crime in such a way as to promote hostility toward non-Whites. For example, television news often uses frames suggesting that crime is inevitable and typical in non-White communities; thus the issue of non-White crime is constructed as a problem for White society.

The Future of News Coverage

As news and television coverage continues to change, future research will examine the transforming landscape of news audiences and media technology. New media formats such as Internet blogging and viral video become decentralized and "unofficial" sources of information. Moreover, as audiences become diversified, news broadcasters will change to cater to a growing demand for diversified coverage. Non-White ownership of media companies and non-White representation on television news are slowly changing. These changes, however, do not ensure that news narratives in the future will be free of racial bias.

Gwendelyn Nisbett and Jennifer Hartsfield

See also Fear of Crime; Hurricane Katrina; Media, Print; Media Portrayals of African Americans; Media Portrayals of Asian Americans; Media Portrayals of Latina/o/s; Media Portrayals of Native Americans; Media Portrayals of White Americans

Further Readings

Entman, R. M. (1993). Framing: Toward clarification of a fractured paradigm. *Journal of Communication*, *43*, 51–58.

Entman, R. M. (1994). Representation and reality in the portrayal of Blacks on network television news. *Journalism Quarterly*, *71*, 509–520.

Gallagher, C. A. (2007). *Rethinking the color line: Readings in race and ethnicity*. New York: McGraw-Hill.

Iyengar, S. (1994). *Is anyone responsible? How television frames political issues*. Chicago: University of Chicago Press.

Johnson-Cartee, K. S. (2005). *News narratives and news framing: Constructing political reality*. Lanham, MD: Rowman & Littlefield.

McCombs, M. (2004). *Setting the agenda: The mass media and public opinion*. Cambridge, UK: Polity.

Television Reality Shows

The popular subgenre of crime-based reality television shows regularly contains influential, often distorted representations of individuals of various races and demographic backgrounds. Such programs feature a blend of entertainment and news attributes and promote themselves as representing "reality" as it exists in everyday life, whether or not this is actually the case. Crime-based reality shows are based on the assumption that law-abiding individuals compose an ideal world that is the most desirable state of being. They have descended from a range of preceding media offerings—including reality-crime radio programs, "true crime" magazines, and tabloid newspapers—and have benefited in their longevity from the growing and seemingly insatiable appetite of viewers for reality programming during the late 1990s and beyond.

Most Popular Crime-Based Reality Television Shows

In the United States, the two most popular crime-based reality television shows to date have been *America's Most Wanted* (which began airing in February 1988) and *COPS* (which began airing in March 1989), both broadcast on the Fox television network (although *COPS* has aired regularly in syndication on various other networks since the mid-1990s, as well).

America's Most Wanted profiles the most-wanted criminals in the United States—many of whom are wanted for offenses such as armed robbery, gang violence, murder, and rape—with the hope that one or more of the show's weekly viewers will recognize these individuals in their own communities and assist law enforcement officials in apprehending them. Within days of its initial broadcast, viewer tips led to the capture of one of the Federal Bureau of Investigation's 10 most wanted fugitives and, over the course of the program's first 2 decades, it had successfully assisted in the identification and capture of approximately 950 of the most dangerous U.S. fugitives. One of the show's hallmarks is its low-budget reenactments of the crimes that are featured each week. From its beginning, the show has been hosted by John Walsh, a man whose 6-year-old son was abducted and murdered in 1981 and who has since dedicated his life and career to enhancing the lives of crime victims by seeing that (at least some of) their victimizers are brought to justice. Despite all of his valiant efforts in this regard, after 2 decades on the air, Walsh and his wife had still not been able to achieve justice in their own son's case. In the early 1990s, *America's Most Wanted* also began profiling missing children and other missing individuals, and in late 2001 it endeavored, upon special request from President George W. Bush, to assist in America's War on Terror by airing an episode devoted to the most-wanted suspected al-Qaeda fugitives.

Perhaps best known for its appealing reggae-style theme song "Bad Boys," *COPS* is a documentary-style reality television show whose cameras follow actual law enforcement officials on their everyday patrols and crime-filled adventures, with the goal of offering a voyeuristic perspective on contemporary criminals and police work. Viewers experience a sense of "being there" as the show's weekly episodes are created with regular use of shaky video footage and actual police dialogue; no traditional documentary-style commentary or narration is provided to formally guide the viewers or their impressions. Each half-hour installment typically features three different crime segments, which to date have been shot in more than 100 cities across the United States and in several cities abroad (including London and Hong Kong), with commercial breaks in between them. More than 650 episodes of this program had aired by the end of the 2005 to 2006 television season.

Additional popular crime-based reality television shows in the United States since the early 1990s have included *Armed and Famous*, *LAPD: Life on the Beat*, *Police Beat*, *Real Stories of the Highway Patrol*, and *World's Wildest Police Videos*.

Concerns Pertaining to Crime-Based Reality Television Shows

Many popular and academic critics maintain that crime-based reality television shows perpetuate feelings of fear, despair, and cynicism among

their viewers. Many also argue that they contribute to distorted perceptions of members of various racial and ethnic groups and hold the potential to fuel discrimination and racial intolerance. For example, it is not uncommon for crime-based reality shows to continually provide images of African Americans as crime-committing "villains" in relation to (primarily) White cops, or for regular viewers of such programs to believe that the odds of being a crime victim themselves are much higher than they actually (statistically) are.

As numerous researchers have demonstrated, most people rely on media offerings to provide them with the majority of their pictures of crime, as compared with personal experience. Many have also convincingly demonstrated that media offerings contribute continuously to the types of issues that people collectively think about and regard as being of greatest relevance and importance. Crime-based reality shows, like television news programs and newspaper articles, regularly depict crime significantly out of proportion to its actual rates of occurrence, with the most unusual or "entertaining" instances of crime attracting the greatest amount of airtime or coverage. In addition, and perhaps even more problematically, crime-based reality television programs tend to feature people of color and individuals of the lower classes with far greater frequency than Whites and individuals of the middle and upper classes, despite the fact that all types of individuals in society regularly commit various types of crimes. As a result, such programs endlessly perpetuate and reinforce negative perceptions of the connections between race/ethnicity, class, and (most notably, violent) crime.

Despite the fact that many television viewers readily acknowledge that the contents of reality television programs are often far from "real," this does not mean that they are necessarily (or even likely) shielded from the potential or actual effects of exposure to their contents. Numerous researchers have concluded that crime-based reality television shows tend to be most popular among White, middle-class viewers and that those viewers are more likely to misperceive the realities of contemporary crime and criminal justice.

Comedic Variations on Crime-Based Reality Television Shows

Although the serious nature and somber tone of *America's Most Wanted* have prevented it from being parodied extensively, *COPS* and the related reality shows inspired by it have not succeeded in avoiding the same fate. These latter programs have been the subject of parody in numerous media offerings over the past 2 decades, including the television programs *Beavis and Butt-Head*, *The Ben Stiller Show*, *In Living Color*, *Mad TV*, *Married . . . With Children*, *My Name Is Earl*, and *South Park* as well as the films *Run Ronnie Run!* and *Shrek 2*.

Arguably the most effective comedic commentary on offerings of this popular subgenre of reality television shows, however, has occurred in the Comedy Central series *Reno 911!* which began airing in July 2003. This comedy series features fictional law enforcement officials with the fictional Reno sheriff's department being videotaped as they go about their everyday work lives. Much of the dialogue contained in each episode of this show is improvised rather than scripted, with the aim of creating an illusion of "reality" akin to that fostered in a show such as *COPS*. This popular parody of *COPS* and the previously mentioned parodies perform the cultural work of calling attention to the representational issues and shortcomings that are typically associated with crime-based reality television shows, including the distorted, racist, classist, and homophobic social constructions of crime and criminals to which they continually contribute. They are able to do so effectively and efficiently because viewers have become so intimately familiar with the type of show they are (subtly or not so subtly) critiquing.

If cultural critics are correct, the next wave of crime-based reality television programs may likely emerge from footage gathered by security cameras and other surveillance devices that are increasingly found in daily life during the early 21st century, including those placed near entry and exit doors, in stairwells and building nooks and crannies, and various other public areas.

Kylo-Patrick R. Hart

See also Media, Print; Media Portrayals of African Americans; Media Portrayals of Latina/o/s; Television News

Further Readings

Cavender, G., Bond-Maupin, L., & Jurik, N. C. (1999). The construction of gender in reality crime TV. *Gender & Society*, *13*, 645–663.

Curry, K. (2001). Mediating *COPS:* An analysis of viewer reaction to reality TV. *Journal of Criminal Justice and Popular Culture*, *8*, 169–185.

Dowler, K., & Zawilski, V. (2007). Public perceptions of police misconduct and discrimination: Examining the impact of media consumption. *Journal of Criminal Justice*, *35*, 193–203.

Fishman, M., & Cavender, G. (Eds.). (1998). *Entertaining crime: Television reality programs*. New York: de Gruyter.

Goidel, R. K., Freeman, C. M., & Procopio, S. T. (2006). The impact of television viewing on perceptions of juvenile crime. *Journal of Broadcasting and Electronic Media*, *50*, 119–139.

Prosise, T. O., & Johnson, A. (2004). Law enforcement and crime on *COPS* and *World's Wildest Police Videos*. *Western Journal of Communication*, *68*, 72–91.

Tennessee v. Garner

Tennessee v. Garner (1985) is a U.S. Supreme Court case whereby the Court held the Fourth Amendment to the U.S. Constitution prohibits the use of deadly force by a police officer to prevent the escape of a suspected felon unless (a) the use of such force is necessary to prevent the escape and (b) the police officer has probable cause to believe that the suspected felon poses a significant threat of serious bodily injury and/or death to the police officer and/or other persons. This decision invalidated as unconstitutional a state statute in Tennessee that allowed police officers to use all necessary means to effectuate the physical apprehension and arrest of a fleeing suspect without consideration of whether the suspect was armed with a dangerous weapon. In the years leading up to *Tennessee v. Garner*, there were numerous reported shootings by police officers of unarmed Black men throughout the United States and allegations that many of these police shootings were motivated by systematic race-based discrimination by law enforcement.

The Supreme Court Case

Procedural History

The appellant in this case was the father of a 15-year-old who was shot and killed by a Memphis, Tennessee, police officer. Mr. Garner brought suit in the U.S. District Court for the Western District of Tennessee pursuant to a federal civil rights statute, 42 U.S.C. §1983 (the Ku Klux Klan Act of 1871, as amended) contending that the police, acting under the color of state law, violated his son's federally protected rights under the Fourth Amendment to the U.S. Constitution. The district court dismissed the complaint on the grounds that the police officer was acting under a valid state law that was constitutional. On appeal, the U.S. Court of Appeals for the Sixth Circuit reversed and remanded the case to the trial court, holding that the Tennessee statute violated the Fourth Amendment to the U.S. Constitution. The U.S. Supreme Court granted a writ of certiorari and affirmed the decision of the court of appeals. Associate Justice White delivered the opinion of the Court, joined by Associate Justices Blackmun, Brennan, Marshall, Powell, and Stevens. Associate Justice O'Connor, joined by Chief Justice Burger and Associate Justice Rehnquist, dissented.

Facts of the Case

On October 3, 1974, at approximately 10:45 p.m., two Memphis police officers were dispatched to a private residence to investigate a citizen complaint of a prowler inside. When they arrived at the scene, a neighbor standing on her porch pointed to an adjacent house and told the officers that she heard glass breaking and that someone was breaking into the house next door. One of the officers, Elton Hyman, went to the rear of the house, heard a door slam, and then saw someone—later identified as Edward Garner—run across the backyard. Garner stopped when he reached a 6-foot-high chain-link fence separating the yard from the neighbor's property. Using a flashlight, Hyman was able to see Garner's face and hands and was reasonably certain that Garner was unarmed and not carrying any weapons. Hyman later recalled that he thought Garner was crouched against the fence, and appeared to be a teenager, probably about 17 or 18 years old and about 5 feet, 6 inches

tall. Hyman yelled, "police, halt," and Garner started to climb over the fence. To keep Garner from eluding capture by climbing over the chain-link fence, Hyman shot him in the back of the head. Garner succumbed to his injuries and died at a local hospital. The police reported that a purse and $10 taken from the house were found on Garner's body.

Hyman, in using deadly force to prevent Garner's escape from the scene of an apparent residential burglary, was acting pursuant to a Tennessee statute and written policy of the Memphis Police Department. The relevant statute provided that a police officer may use all the means necessary to effectuate an arrest of a fleeing suspect, as long as the police officer gave notice to that person of his or her intention to arrest the person. The policy of the Memphis Police Department allowed for its officers to use deadly force against suspected burglars. Although Hyman's actions in using deadly force against an unarmed teenager were investigated by the police department and a grand jury, no disciplinary action was taken against Hyman, and no criminal charges were brought against him.

Legal Issues, Holding, and Rationale of the Court

The Supreme Court held that the use of deadly force by law enforcement officers to prevent the escape of all felony suspects, whatever the circumstances, is constitutionally unreasonable, and that the use of deadly force cannot be justified to kill nonviolent crime suspects. As such, the Court held that the aforementioned Tennessee statute is only unconstitutional insofar as it authorizes the use of deadly force by law enforcement officers against an unarmed, nondangerous fleeing suspect.

In abrogating the common law rule that allowed law enforcement officers to use all necessary force, including the application of deadly force, against a fleeing felon in any circumstances, the Supreme Court noted that changes in the technological context and the law over time have resulted in a common law rule that is now distorted beyond recognition and, in some instances such as this one, cannot be construed as a reasonable seizure under the Fourth Amendment. Further, the Court noted that the common law rule allowing for the use of deadly force in such instances was established at a time when nearly all felonies were capital offenses. Few such crimes are classified as capital offenses today, making the common law rule unnecessary and unreasonable as a legal principle. Finally, the Court noted that many police departments had invoked policies regarding the use of deadly force by police officers that were far more restrictive than allowed by the common law rule, and that the Commission on Accreditation for Law Enforcement Agencies required agencies seeking accreditation to restrict the use of deadly force to those situations where an officer reasonably believes that he or she must use deadly force to defend human life or in defense of any person who is in immediate danger of the application of deadly force by an armed and dangerous fleeing felon.

Implications and Discussion

Numerous states amended their statutes regarding the use of deadly force by law enforcement officers, and many police departments promulgated new policies, all in an effort to comply with the mandates of *Garner*. Scholars have noted that those statutes and policies that limit the use of deadly force by police officers in defense of human life are constitutionally appropriate, and that numerous statutes and policies that control the application of deadly force in less-restrictive situations are likely unconstitutional in violation of *Garner* and the Fourth Amendment. The more restrictive policies have helped to lessen tension between the police and citizens, particularly in those communities that have historically experienced racially motivated police violence.

Philip Matthew Stinson, Sr.

See also Ku Klux Klan Act; Police Use of Force

Further Readings

Smith, M. R. (2005). Police use of deadly force: How courts and policy-makers have misapplied *Tennessee v. Garner*. In R. G. Dunham & G. P. Alpert (Eds.), *Critical issues in policing: Contemporary readings* (5th ed., pp. 468–491). Long Grove, IL: Waveland Press.

Tennessee v. Garner, 471 U.S. 1 (1985).

Terry v. Ohio

Terry v. Ohio was a landmark U.S. Supreme Court decision concerning search and seizure, specifically in the context of street-level police encounters with the public resulting in a stop and frisk. The case arose following the actions of Martin McFadden, a Cleveland police detective, in conducting a search to prevent a possible armed robbery. On the afternoon of October 31, 1963, McFadden, a 39-year veteran of the police department, observed three men who he believed were about to commit an armed robbery. The men, one of whom was John Terry, gave an unsatisfactory response to McFadden's inquiry as to their names and business in the area, and McFadden then conducted a pat-down search of Terry's jacket in search of a weapon. The U.S. Supreme Court ruled that the officer had the authority to conduct a limited pat-down for weapons for officer safety because the suspects were observed engaging in suspicious behavior that warranted inquiry by the police. The stop-and-frisk tactic, based on a standard of evidence that amounts to less than probable cause, often accompanies proactive police efforts in high-crime areas that tend to be populated by the poor as well as racial and ethnic minorities.

The subsequent U.S. Supreme Court decision defined the authority of police officers in conducting pat-down searches in situations where there is reasonable belief criminal behavior is in progress. The Court held that stopping someone for brief questioning and conducting a pat-down search did constitute a search as defined by the Fourth Amendment; however, it held that such a stop-and-frisk did not necessarily violate the constitutional ban of unreasonable searches and seizures. The police may search the person during this threshold inquiry if the officer has reasonable suspicion the person may have a weapon and his or her responses to the officer's questions have not assuaged that concern.

The Court was unwilling to create a category of police actions, namely the stop-and-frisk, that did not have to meet the constitutional standard of probable cause. The Court's analysis of whether McFadden violated Terry's constitutional protections against unreasonable searches and seizures focused squarely on whether the officer's actions were reasonable at the inception of the search and whether McFadden's actions were reasonably consistent in scope to the circumstances that provided the justification for the initial search. The purpose of the frisk was viewed as detecting concealed weapons on the person of interest rather than evidence of a crime. The Court rejected the contention that a pat-down frisk is a petty indignity for the individual subjected to the search. The Court also noted the potential detrimental impact which the practice of stop-and-frisks may have on police–community relations that may disproportionately impact poor communities as well as racial and ethnic minorities. Nevertheless, it held that when an officer suspects that a person may be armed, it is reasonable to search for weapons because of the danger to the officer or to others.

Facts of the Case

McFadden had been assigned to a particular section of downtown Cleveland for about 30 years. His main area of responsibility with the police assignment was targeting shoplifters and pickpockets in the downtown area. The officer observed two men engage in what the police officer described as unusual behavior. The two men, John Terry and Richard Chilton, repeatedly walked individually past a particular storefront window and then conferred with each other upon their return to the other man. In total, the officer observed the two men make about one dozen trips individually past a particular storefront window. They were met by and briefly conversed with a third man, Carl Katz, who walked away alone in another direction. Terry and Chilton met up with Katz shortly after he left their company.

The three men were approached by the police officer as they stood outside another store. The officer believed that the three men were casing the first business for an armed robbery. After the officer identified himself as a police officer, he inquired as to their names. After an unsatisfactory response, the police officer grabbed Terry and spun him around so that he was facing the two other men and was physically between the officer and the two men. The police officer patted down the outer garments of Terry in search of a weapon. The police officer felt a pistol located in the breast

pocket of Terry's jacket. The officer tried to remove the pistol but he could not pull it out from the pocket. The officer ordered all three men into the nearby store. Upon entering, the officer completely removed Terry's jacket and successfully removed the pistol from the pocket. With the three men against the wall in the store, McFadden conducted a pat-down search of the outer garments of Chilton and Katz. A pistol was discovered on Chilton during a search of his outer garments, and no weapon was found on Katz. Terry and Chilton were transported to the police station and booked on concealed weapons charges. Terry was later convicted of illegally carrying a concealed weapon and was sentenced to 1 to 3 years in the state penitentiary.

There was a motion to suppress the weapons from evidence. Interestingly, the prosecution had initially claimed that the weapons were legally seized as the result of a search incident to an arrest. Although the trial judge denied the motion to suppress, the judge did not accept the prosecution's rationale to allow the weapons to be introduced as evidence. The trial judge noted that the police officer did not have probable cause to legally support an arrest of the three men prior to the search; therefore, the weapons could not be seized during the course of a search incident to an arrest. The trial court noted that the officer had the authority to conduct a limited pat-down search for weapons in the possession of the men for the specific purpose of officer safety, because the suspects were observed engaging in suspicious behavior that warranted inquiry by the police.

The U.S. Supreme Court Decision

The U.S. Supreme Court held that the search was reasonable under the Fourth Amendment, which protects citizens against unreasonable searches and seizures by government agents, and thus evidence obtained during the pat-down search could be introduced into evidence. The Court noted that the context of the search is essential for determining the reasonableness of the search and subsequent intrusion upon the individual. The Court sought to reach a decision that weighed the competing interests relevant to stop and frisk. On the one hand, there is the need to maintain judicial protection of individual liberty and freedom from government intrusions. Judicial oversight in the area of searches and arrest would be weakened if frisks could be conducted upon mere suspicion of criminal wrongdoing rather than requiring probable cause. On the other hand, the Court noted that law enforcement agencies have a keen interest in conducting pat-down searches for weapons in cases involving suspicious individuals, even in the absence of probable cause for an arrest.

A key element in these competing interests is the legality and appropriateness of a police stop and inquiry in matters where probable cause does not exist. The Court noted the threat to individual liberty when a police frisk but not a full search of the person is legally permitted. The Court noted that one position related to the use of frisks is that a frisk amounts only to a mere inconvenience and petty indignity for the person, but it disagreed with this view and held that a frisk constitutes "a serious intrusion upon the sanctity of the person." Nevertheless, an individual's liberty, autonomy, and personal interests may be countered by the need for effective law enforcement.

The Court also noted the historic tradition of searches and seizures being based on the stringent requirement of probable cause. With the exception of cases that fall in the category of exigent circumstances, the Court emphasized the critical nature of prior judicial review for police action. Prior judicial review for police frisks do not lend themselves to prior judicial review due to the immediacy of action and the potential costs of inaction. The Court relied on a balancing test of interests at hand, which involved the interests of the government to search the individual and the nature of the intrusion for the individual.

The Court noted that the practice of stop-and-frisk may have likely continued absent judicial authority. Evidence seized during searches conducted absent judicial authority would be excluded from evidence. The Court noted that if the exclusionary rule is used to exclude evidence obtained from a stop-and-frisk, the judiciary would not be able to completely eliminate the practice of a stop-and-frisk because some police encounters with the public have intentions other than strict law enforcement. The exclusionary rule applied to stop-and-frisk encounters would also have a negative impact on community protection and officer safety.

Dissenting Opinion

In the dissenting opinion, Justice Douglas noted that the Court created a context that provided the police with more legal authority to conduct searches and seizures than justices have to provide a court order that authorizes the action. Justice Douglas noted that police searches should remain constrained and limited by the standard threshold of probable cause. In addition, Justice Douglas was troubled by the implications that clearly provide more power and authority to the police at the expense of individual liberty.

David A. Mackey

See also Police Accountability

Further Readings

Fyfe, J. (2004). Stops, frisks, searches, and the Constitution. *Criminology and Public Policy*, *3*(3), 379–396.

Terry v. Ohio, 392 U.S. 1 (1968).

Thomas, Clarence (1948–)

Clarence Thomas was nominated in 1991 by President George H. W. Bush to serve on the U.S. Supreme Court and remains one of the most controversial justices on the Court. After a highly contentious judicial hearing, he was confirmed. The judicial hearing attracted considerable attention both from the media and from political action groups, some of which supported his nomination and others that were vehemently opposed. The controversy stemmed from President Bush's selection to replace Thurgood Marshall, the first African American Associate Justice, who was retiring after a career marked by a history of leadership and activism in civil rights and social justice, with Thomas, a young man, also African American, but who did not share Marshall's tenacity with respect to social justice. In comparison with Justice Marshall, widely revered as an icon, Thomas was viewed by many not only as an intellectual lightweight but also by the left as "Uncle Thomas," an unflattering label alluding to a troubling contradiction about the nominee—that he, who had benefited from affirmative action policies, was known for his public condemnation of affirmative action.

During the judicial hearings, there was testimony against Thomas and words of support offered by friends, former classmates, and colleagues. Some of the most controversial and widely publicized criticisms were made by Anita Hill, a former employee who came forward to accuse Thomas of sexual harassment. The confirmation hearing became a test of political wills and a media circus, which culminated in Thomas's accusing the Senate Judiciary Committee of a high-tech lynching on "uppity" Blacks who were independent thinkers. The vote of October 15 was close, at 52–48, and although the controversy subsided somewhat after confirmation, it has never gone away. Public attitudes about Clarence Thomas remain deeply divided, particularly among those Americans who witnessed (or viewed on television) the nomination process. After the hearings, Thomas seemed embittered by the experience, and many African Americans continued to dissociate themselves from him, saddened by what they perceived as the symbolism and the irony of his appointment.

Clarence Thomas's biography reveals a man with academic triumphs, career achievements, and challenges. He was born June 23, 1948, in rural Pin Point, Georgia, a former plantation site near Savannah. After his parents divorced, he was sent to Savannah to live with his maternal grandparents and he credits both grandparents for raising him. Through his eyes, his grandfather, known as "Daddy," was an American hero. The influence of his grandfather and Thomas's fondness for him is evident in Thomas's memoir, titled *My Grandfather's Son: A Memoir*. Thomas attended the College of the Holy Cross in Worcester, Massachusetts, and later studied law at Yale University. He developed a penchant for speaking out about the Black power movement and isolationism. While at Holy Cross College, he was strongly opposed to a decision made by the Black Student Union that resulted in the designation of a corridor to be used exclusively by Black students. The corridor was to be painted in liberation colors: red, black, and green. During this period, Thomas

also protested in Boston against the Vietnam War, and after much reading and acclimation to Holy Cross College, he began to speak about the importance of tackling the mainstream head on-through involvement and not isolation. Some observers have commented on the irony that Thomas chose Yale Law School over Harvard because he viewed Harvard as too conservative and Yale as much more liberal.

After graduation from Yale Law School in 1974, Thomas began his legal career working for the State Attorney General of Missouri John Danforth, after which he found employment with Monsanto Chemical Company in St. Louis. After Danforth had been elected to serve as a U.S. senator, Thomas was offered a position to work with him again, but this time in Washington, D.C. Shortly after relocating to D.C., he separated from his first wife Kathy. After his return to Washington, D.C., he worked with the Department of Education and in 1982 was appointed by President Ronald Reagan to head the Equal Employment Opportunity Commission (EEOC).

Thomas had made the essential political connections for advancement. He is known to have been very protective of Ronald Reagan and did not share the belief that Reagan was a racist; Thomas has written that he believed in Reagan's philosophy that the government's influence on the lives of Americans should be kept at a minimum. It is not surprising that Thomas began to extend this philosophy to apply to the lives of African Americans and to embrace the belief that government intervention was not the solution to their problems. Thomas's stance seems wedded to the notion that race-based policies were largely ineffective and were hurting Black men and women.

During his term as director of EEOC and his more recent tenure as Associate Justice of the Supreme Court, it has been difficult for many Americans to reconcile Thomas's deeply conservative policies and stern judicial philosophy with the struggles and hardships, poverty, and discrimination he personally experienced earlier in life. Because many of his opinions as a justice of the Supreme Court favor the wealthy and the state over the rights of the individual, he has been criticized for having turned his back on poor people and ordinary Americans. Among African Americans in particular, there are those who hold Clarence Thomas in contempt as someone who has betrayed not only his own people but, it is thought, his own inner being as well.

Robert L. Bing III

See also *Kennedy v. Louisiana*; *Kimbrough v. United States*

Further Readings

Merida, K., & Fletcher, M. (2007). *Supreme discomfort: The divided soul of Clarence Thomas*. New York: Doubleday.

Thomas, C. (2007). *My grandfather's son: A memoir*. New York: HarperCollins.

Three Strikes Laws

In the past 15 years, the criminal justice system has undergone a movement to increase punishments for offenders. This increase reflects public demands for harsher sanctions for offenders and a shift in punitive philosophies as part of a movement to "get tough on crime." As part of this social climate, various states began to pass habitual offender laws, with the best known being those defined as three strikes laws. With the passage of these laws, the media, politicians, the public, and social scientists have focused their attention on this issue. This entry examines the nature and variations of three strikes laws, the debate over these policies, and the laws' impact on crime, the criminal justice system, and the African American community.

Types of Three Strikes Legislation

Currently about half of the states and the federal government have some form of three strikes laws. These laws, which often receive the moniker of "three-strikes-and-you're-out laws," vary across jurisdictions but also have some key similarities. With regard to similarities, these jurisdictions limit offenders' eligibility by the nature of the prior criminal offenses and that of the charge that they face for their current offense. Typically, eligible offenses are those involving violent felonies.

The punishments result in lengthy periods of incarceration. Some jurisdictions allow the possibility of parole after serving a substantial period of incarceration, usually between 25 to 40 years. However, the jurisdictions with some of the most severe penalties require mandatory sentences of life without parole. In terms of differences, some states also have provisions for two or four strikes before an offender is "out." Furthermore, a few versions include drug offenses, financial crimes, and minor property crimes.

Whereas Washington was the first state with a three strikes law, California is arguably the best-known state with this type of law. Its law took effect in 1994, and it contains both two and three strikes provisions that ensue in the face of felony convictions. According to these provisions, a variety of violent offenses serves as "strikeable" offenses. Other eligible crimes include property, weapons, and drug offenses. Offenders face the two strikes provision when an offender with a prior felony for an eligible offense earns a conviction for the commission of another felony. The result is a penalty enhancement in the length of incarceration. Offenders face the three strikes provision for a conviction on *any* felony offense in the face of having two prior felony convictions for eligible offenses. This provision makes California notable relative to most other states with strikes laws. Offenders who prompt this provision face a mandatory sentence of 25 years to life, with no parole eligibility for 25 years. As with other strikes laws, numerous debates occurred over the creation of this legislation and its likely impact on crime and the criminal justice system, but those in support of this type of legislation have largely prevailed. Nevertheless, debates continue to abound on this issue.

Debating Three Strikes Laws

In addressing the need for three strikes laws, their validity, and their effects, those on both sides of the debate staunchly hold to their views. Proponents of these policies stress the need to respond to the dangers posed by repeat offenders, particularly persistent violent offenders. They maintain that these offenders are incorrigible and that available punishments are insufficient to address the gravity of their actions. More specifically, they charge that existing laws fail to meet the punitive goals of incapacitation, deterrence, and just deserts. Incapacitation serves to prevent offenders from committing any crimes external to the prison because they do not interact with the public. Deterrence comes in two forms: general and specific. General deterrence focuses on reinforcing social norms by sending a message to the larger community that committing certain acts will result in stringent punishments. Specific deterrence focuses on preventing recidivism by offenders. A philosophy of just deserts stresses proportionately in sentencing. Supporters note that this type of legislation targets only the most violent habitual offenders. They assert that removing these offenders from society for a substantial period, or permanently, is just punishment. Advocates of three strikes laws also stress that these policies reflect public demands for more punitive sanctioning of offenders and that they serve to reduce crime rates because they remove dangerous criminals from society. Finally, they maintain that these policies are highly cost-effective for jurisdictions, which allows them to allocate greater resources to areas such as education and health care.

Researchers examined these arguments to see if these laws reduce crime; their research indicates that the argument of proponents is erroneous. Increasing reliance on imprisonment undoubtedly exerted marginal effects, but to argue that it solely influenced crime rates is disingenuous. Research reveals that other factors, such as a strong economy and strong job market, served to provide conventional alternatives for people. Moreover, studies show a decline in crime rates prior to passage of three strikes legislation. Also, states without these laws experienced a decline, whereas some states with three strikes legislation saw little or no change.

Researchers also explored the role of public opinion. They found that the public sought harsher punishments during the period when states and the federal government passed this type of legislation for the most violent offenders. However, critics argue that those facing severe penalties are often nonviolent offenders. They also note that while supporters of three strikes legislation claim that these new laws are necessary to deal with this special class of offenders, the jurisdictions that enacted these laws already had laws that doled out

severe punishments for repeat offenders. California offers a perfect example. At the time that California passed its version of three strikes laws, penalties existed that required that offenders with a third violent felony conviction serve a minimum of 20 years before they reach parole eligibility. Activation of this policy requires that offenders serve their first two sentences separately. Additionally, California required that offenders receive life without parole for a fourth violent felony conviction. Most other jurisdictions enacted laws requiring penalty enhancements. Research on the severity of penalties in the periods before and after the passage of three strikes laws reveals that these laws broadened the range of offenses eligible for these penalties but produced similar punitive outcomes.

Critics challenge the deterrence argument by noting that proponents assume that offenders continue their offending throughout their life course. Research on the age–crime relationship consistently shows that most offending occurs between 15 and 29 years of age and declines thereafter. This phenomenon occurs even without these types of laws. The average age of inmates begins to increase by incarcerating offenders beyond the ages when they are most active in criminal activity. Critics claim this reality undercuts arguments about the cost-effectiveness of these laws. Aging inmates require greater amounts of costly medical care because their health begins to decline with age.

Resource strain serves as another focal point of critics. They assert that offenders will demand more trials because of fewer incentives to plead guilty. More trials pose the risk of case backlogs and increasing demands on limited court personnel and financial resources. Prisons and jails face similar strains on their resources. The rising prison population and the increase in the average amount of time served deplete resources for facilities that already operate beyond capacity in most jurisdictions.

Increasing racial and ethnic disparities in sentencing and incarceration patterns also shape opponents' attitudes toward these laws, as Blacks and Latinos face higher odds of incarceration and longer sentences than Whites do. Some debate remains over whether these disparities reflect greater involvement in crime by racial and ethnic minorities or discrimination. Regardless of the source of this disparity, Black offenders have higher rates of arrests than Whites do. This results in higher numbers of prior convictions, especially felony convictions. Social scientists note that prior felony convictions result in Blacks and Latinos facing the application of three strikes laws. The next section elaborates on the effects of strikes laws on the courts and correctional agencies.

Impact on the Courts and Corrections

Initial information gathered after implementation of these laws suggested that the fears of many opponents appeared to be correct. Specifically, examinations of several states with three strikes laws, particularly Washington and California, showed increases in the court caseloads, namely, the trial component. However, as the states began to adjust to these policies, the overall pattern reversed. The number of admissions to state prisons for those sentenced under these laws is not only relatively low but also below critics' estimates. While the effects on court and corrections caseloads appear not to have manifested as critics expected, racial and ethnic minorities, especially African Americans, face considerable consequences.

Impact on African Americans

Some research indicates that the brunt of the impact created by these policies is borne by African Americans, which raises several issues for these offenders, their families, and their communities. Proponents of three strikes laws argue that although there may be some adverse consequences, the benefits of increased public safety obtained by removing violent offenders from society outweigh them. Critics cite evidence that indicates that contrary to the intent of these laws, many offenders sentenced under these laws are nonviolent property and drug offenders, for whom alternatives to incarceration may serve to meet punitive goals as effectively as, if not more effectively than, prison. Related to this point, although critics agree that some societal benefits accrue in terms of crime reduction when judges impose incarceration sentences, they argue that at some point, rates of incarceration for affected communities pass a threshold that works to their detriment.

Research indicates that high levels of incarceration serve to weaken informal social control mechanisms, which exert greater influence on individuals' conduct than formal social controls imposed by the criminal justice system. In addition, the children of offenders face feelings of abandonment, shame, distrust, alienation, and weakened social bonds with their parents and others, which often leads them to commit crimes. Another area of concern is felony disenfranchisement involving voting rights for convicted felons. Many states have some form of legislation that prevents convicted felons from voting while they are under correctional supervision or for life. These policies arguably pose major threats to the political power of African American communities. Regardless of the impact of these laws on African Americans or others, debates over these policies and their effects are likely to dominate policy initiatives for the near future.

Melissa A. Logue

See also Disproportionate Arrests; Disproportionate Incarceration; Felon Disenfranchisement; Sentencing; Sentencing Disparities, African Americans; Sentencing Disparities, Latina/o/s

Further Readings

Clark, J., Austin, J., & Henry, D. A. (1997, September). *Three strikes and you're out: A review of state legislation* (Research in Brief, National Institute of Justice). Retrieved from http://www.ncjrs.gov/txtfiles/165369.txt

Dickey, W. J., & Hollenhorst, P. S. (1998). *Three strikes laws: Five years later*. Washington, DC: Campaign for an Effective Crime Policy.

King, R. S., & Mauer, M. (2001). *Aging behind bars: Three strikes seven years later*. Washington, DC: The Sentencing Project.

Kovandzic, T. V., Sloan, J. J., III, & Vieraitis, L. M. (2004). Striking out as crime reduction policy: The impact of three strikes laws on crime rates in U.S. cities. *Justice Quarterly*, *21*, 207–239.

Mauer, M. (1999). *The crisis of the young African American male and the criminal justice system* (Testimony by Marc Mauer before the U.S. Commission on Civil Rights). Retrieved from http://www.sentencingproject.org/Admin/Documents/publications/rd_crisisoftheyoung.pdf

Till, Emmett (1941–1955)

Emmett Louis Till was an African American teenager whose brutal murder in August 1955 galvanized the nascent civil rights movement in the United States. Born in Chicago in 1941 to Mamie and Louis Till, Emmett "Bobo" Till had just turned 14 when he was savagely beaten, shot to death, and his body dumped into the Tallahatchie River near Money, Mississippi. His "crime" was that he had whistled at a White woman. A fisherman found Till 3 days after two White men had abducted him from his great-uncle's home; his horribly disfigured and bloated body was found with a bullet hole behind his ear and a 70-pound cotton gin fan attached to his neck with barbed wire. African Americans were incensed by the violence inflicted upon such a young boy for a minor infraction of Mississippi's Jim Crow policies, and the case garnered international outrage when Till's killers were acquitted by an all-male, all-White jury.

Described by his friends and cousins as a practical joker, Emmett, who spoke with a slight stutter because of a childhood bout with polio, had visited Mississippi only twice before when he was a young boy. Growing up in Chicago, Emmett was unaccustomed to the Jim Crow policies of the South, and Till's mother had warned her son to mind his manners around Whites. She told him to drop his eyes, and even drop to his knees, for White people if they asked. Till had been in Mississippi a mere 3 days when he and his cousins stopped at a store owned by Roy and Carolyn Bryant, a White couple whose business catered primarily to African American sharecroppers. Accounts of the actual events vary, but Till entered the Bryants' store on August 24, 1955, purchased two pieces of chewing gum, and exited the store. Carolyn Bryant exited the store shortly thereafter, and Till allegedly whistled at the 21-year-old proprietor. Although his cousin Wheeler said that Emmett had made the whistling sound because he was stuck on a word, his cousins knew that the whistle would bring trouble, so they left hastily and decided not to tell Till's great-uncle, Mose Wright. Three days later, on August 28, Roy Bryant and his half-brother, J. W. Milam, arrived at the Wrights' house with a gun, shone a flashlight in Mose Wright's face, and

asked for the boy from Chicago "who had done the talking" in Money. Wright and his wife pleaded with the men and even offered to pay them. Milam told Wright that he would not live to see his 65th birthday if he identified them, and then the men abducted Till.

Despite Milam's warning, when Emmett had not returned the following day, Wright notified the Leflore County sheriff of his nephew's abduction. Bryant and Milam admitted to taking the boy but insisted that they had released him. They were arrested for kidnapping and then charged with murder when Till's body was discovered on August 30, 1955. Bryant and Milam stood trial for the murder of Emmett Till from September 19 to 23, 1955; their defense was that the disfigured body found in the Tallahatchie had not been positively identified as Till's. During the trial, Wright testified that the body found in the river was Till's, as evidenced by the engraved signet ring belonging to Till's father that had been found on the body. Mamie Bradley also testified that Emmett had been wearing his father's ring and that the body she examined in Chicago was indeed her son.

In a courageous move, Mamie Till Bradley had demanded that her son's body be sent back to Chicago, where she held an open-casket funeral for an estimated 25,000 to 50,000 mourners. Moreover, Bradley allowed photos of Emmett's battered body to run in the *Chicago Defender* and *Jet Magazine*, bringing worldwide attention to the brutality being inflicted upon African Americans in the southern United States.

Violence against African Americans was nothing new in the Jim Crow South; lynching had been used as a method to intimidate African Americans into "keeping their place" since the 19th century. For over 50 years, a separate "Negro justice" prevailed in the Mississippi Delta; Jim Crow laws depended on an unwritten de facto jurisprudence between African Americans and Whites. Till's murder occurred 1 year after the landmark Supreme Court decision *Brown v. Topeka Board of Education* in 1954, which declared segregated educational facilities unconstitutional. In response to the *Brown* decision, Mississippi Whites had formed citizen's councils to promote the maintenance of segregation. Just 10 weeks prior to Emmett Till's arrival in Money, the Supreme Court had issued a decree to commence desegregation with all deliberate speed, and several African Americans had been murdered in Mississippi in the months leading up to Till's murder. Reverend George Lee, an organizer for the National Association for the Advancement of Colored People, was murdered in Belzoni for trying to vote, and Lamar Smith was murdered in front of the Brookhaven county courthouse for attempting to register to vote. No one was arrested for either murder. During the Till trial, every juror was contacted by Mississippi citizen's councils to encourage them to vote the "right way." The jury deliberated for a mere 67 minutes and returned a not-guilty verdict. One juror later told a journalist that they had drawn out the process by having a soda pop. A grand jury was assembled 2 months later to consider kidnapping charges against Milam and Bryant, but the jury did not indict them and issued a No Bill.

In an interview with William Bradford Huie for *Look* magazine in January 1956, Bryant and Milam confessed that they had indeed killed Till because he failed to show any remorse for what he had done. Milam died in 1981, and Bryant died in 1994. The Federal Bureau of Investigation in Jackson, Mississippi, reopened the case in 2004, and Emmett Till's body was exhumed and reexamined in June 2005. To date, no other charges have been brought against Milam, Bryant, or any other person connected with the murder. Nonetheless, Till's murder is often cited as the spark that began the American civil rights movement; in fact, the Montgomery Bus Boycott led by Martin Luther King, Jr., began just 3 months later, ushering in a decade of activism to end segregation in the South.

Jessica James

See also Hate Crimes; Lynching; Vigilantism; Violent Crime; White Crime

Further Readings

Federal Bureau of Investigation. (2006). *Prosecutive report of investigation concerning Emmett Louis Till*. Retrieved from http://foia.fbi.gov/foiaindex/till.htm

Huie, W. B. (1956). The shocking story of approved killing in Mississippi. *Look Magazine*. Des Moines, IA: Cowles Communications.

Metress, C. (Ed.). (2002). *The lynching of Emmett Till*. Charlottesville: University of Virginia Press.

Noe, D. (2007, November 27). Cold case: The murder of Emmett Till. *Crime Magazine*. Retrieved from http://crimemagazine.com/06/emmett-till,1127-06.htm

Stanley, N. (Producer & Director). (2003). *The murder of Emmett Till*. [Documentary film]. New York: Public Broadcasting Service.

Till-Mobley, M., & Benson, C. (2003). *Death of innocence: The story of the hate crime that changed America*. New York: Random House.

Tribal Police

In recent years there has been a heightened concern for crime in American Indian and Alaska Native communities (hereafter referred to as Indian Country) and the response to it. This attention is warranted, as data suggest these populations are currently experiencing high rates of crime and victimization. Law enforcement officials, in particular police officers, play a prominent role in a community's ability to fight crime. The purpose of this entry is to explore the unique characteristics and challenges of policing in Indian Country. More specifically, this entry will outline some of the arrangements tribes have for administering justice with state and federal officials as well as some challenges police departments on reservations face.

Indian Country: The Context

American Indian and *Alaska Native* are terms that describe any person whose origins can be traced to North, Central, or South America and who maintains tribal affiliation. According to the 2000 census, there are approximately 4.3 million American Indians and Alaska Natives (collectively referred to in this entry as American Indians or Natives) in the United States and 562 federally recognized Indian tribes and Alaskan Native groups. A little under half of all Native Americans reside in Indian Country, which comprises more than 50 million acres of land spread across more than 30 continental states. Most of Indian Country is located west of the Mississippi River, but there are some tribes located in the East.

Although they vary significantly in terms of social, economic, and cultural characteristics, most tribes are currently experiencing severe social and economic problems. Native Americans remain the poorest of all minority groups, with unemployment rates hovering around 50%. They have the highest school dropout rate of all racial groups, a rate that is twice the national average. Although there are some densely populated areas on reservations, many Native Americans live in geographically isolated areas. As a consequence, Native Americans and communities are often characterized by high rates of alcoholism and substance abuse, high suicide rates, poor health, lack of affordable housing, substandard education, a critical lack of jobs, and high crime rates.

Available data suggest that crime rates are much higher for Native Americans compared to the national average. According to the National Crime Victimization Survey, American Indians experience a per capita rate of violence that is twice the amount of the U.S. resident population. Among American Indians ages 25 to 34, the rate of violent crime victimization is more than twice the rate for all persons in the same age category. Much of the crime appears to be alcohol related; approximately 62% of American Indian victims report experiencing violence by an offender under the influence of alcohol. This is much higher than the national average of 42%. Increased youth gang activity in the past few years has also increased the violent crime in Indian Country. Yet despite this, the violent crime arrest rate of American Indians declined 26% between the years 1992 and 2001.

Policing in Indian Country

Policing in Indian Country is complex; law enforcement can be the responsibility of the local, tribal, state, or federal government depending on the race of the offender and victim, the location of the crime, and the actual crime committed. Many tribes utilize Public Law 93-638, which allows tribes the opportunity to create their own police department and criminal justice system by contracting with the Bureau of Indian Affairs. Police officers and employees in this arrangement are tribal members. This is the most common way for tribes to have greater control over their police departments. Police departments in Indian Country are also administered by the Bureau of Indian

Affairs, but in this arrangement employees and officers are federal employees. As a result of Public Law 83-280, a number of tribes must rely on state authorities for police services. Finally, American Indian police departments can also receive complete funding from tribal finances. This arrangement allows for tribes to have the highest degree of organizational freedom and tribal control of their criminal justice system, but it is rare because of tribal resource constraints.

There are approximately 154 local tribal police departments in operation in Indian Country. The number of police officers employed at each department varies greatly depending on tribal size, available resources, and demand. As of September, 2004, there were a total of 2,490 sworn full-time tribal officers. Most police officers are high school graduates and certified in law enforcement training academies, although it does not necessarily follow that they are well qualified or experienced. Slightly more than half are Native American. They provide a wide range of services, including responding to calls for service, executing arrest warrants, serving court papers, providing court security, performing search and rescue operations, participating in crime prevention activities, and enforcing traffic laws. Several tribal police departments are also responsible for operating one or more jails.

The sovereignty of each tribe, coupled with the various police arrangements, makes it impossible to delineate a typical police department in Indian Country. Nonetheless, it is possible to provide a broad description with the caveat that there are tremendous variations among tribes. The typical police department is responsible for patrolling an area the size of Delaware with a population of approximately 10,000 people. Oftentimes there are no more than three officers patrolling at a time and sometimes as few as one. The distance between police departments and parts of the reservation spans 100 miles or more; thus it may take several hours for officers to respond to calls. The majority of calls for service and arrests are for alcohol-related offenses.

The current state of policing in Indian Country leaves much to be desired. Despite the limited resource base, most police departments are attempting to cope with an increasing workload. This workload is a result of high crime rates and greater demands by the community for police services. Due to jurisdictional complexities, officers often have to answer to multiple authorities; they operate with little direction from their leaders, and they may fail to establish relationships with the citizens and other agencies. Furthermore, police officers must deal with political interference, which inhibits their ability to be fair and decreases their credibility in the community. These problems are exacerbated because many police departments have organizational structures and police standards that are contrary to the tribe's culture and expectations. The disjunction between the community's needs and the officer's duty creates additional stress.

Avenues for Increasing Police Effectiveness

Despite the problems that plague policing in Indian Country, there are several avenues that can increase police effectiveness, including cooperative agreements, community policing, and adequate resources.

A tribal–federal or tribal–state cooperative agreement is a potential mechanism for generating more effective tribal law enforcement control. These agreements are not without criticisms, including inadequate funding and slow responses to reservation calls by non-Indian agencies. Another serious criticism is that such agreements encourage a crime control model of policing that is contrary to the American Indian culture. Despite these criticisms, many tribes have these agreements and report several benefits. In particular, they report increased crime control, increased mutual assistance, faster response times, and greater resources, including staff, equipment, and facilities.

Community policing is an approach that holds great promise in increasing the effectiveness of policing in Indian Country. Most tribal police chiefs agree that community involvement is important because the community has a stake in the success of the department's efforts. Compared to the Western punitive crime control model, community policing provides a framework that fits with the traditional Native American approach to law enforcement. Some of the advantages of community policing include reduction of fear, increased citizen satisfaction, and increased officer morale and job satisfaction. Community policing also brings law

enforcement into closer and more frequent contact with the public. Because of these advantages, some believe that community policing is the first step for improving policing in tribal communities.

Of paramount importance are sufficient resources for reservation police, relating to not only funding but training as well. As it currently stands, many argue that the funding levels are too low to support adequate law enforcement in Indian Country. For example, the number of police officers per capita in Indian Country is significantly less than the national average (1.3 compared to 2.3), yet violent crime in Indian Country is at least double the national average. Because many communities are widely distributed, having adequate personnel is critical. This is especially the case for remote locations in Alaska, where location and weather can prevent officers from arriving on the scene for days. Unfortunately, this is one of the most glaring problems facing Indian Country law enforcement today. Reservation police chiefs are in general agreement that the primary resource need is more personnel, including patrol officers. However, tribal police departments lack the incentives to attract officers because they cannot afford to pay reasonable salaries.

Training is also a fundamental resource need. In addition to greater trust, enhanced professional knowledge, and skills, training increases the level of recognition of tribal police by other law enforcement agencies. Ongoing training is necessary to keep officers up to date with contemporary practices and techniques of policing. Importantly, training should be local so that officers have a better understanding of the government and culture of the particular tribe for which they work.

Conclusion

Policing in Indian Country is both unique and complex. It is unique because each tribal nation is sovereign; thus, each tribe has the ability to create its own laws and criminal justice system. It is complex because of the overlapping tribal, state, and federal jurisdictions. Despite this diversity, all reservation police departments face significant crime problems and must do so with limited resources. They must operate within a complicated jurisdictional web, whereby they answer to multiple authorities and may lack a clear direction from their tribal and state governments. The language and cultural diversity exhibited by tribal nations and their geographic isolation also make it difficult to police reservations. These problems affect the quality and effectiveness of policing in Indian Country as well as the community's willingness to utilize their services.

Although the workload of Native American police departments is increasing at a substantial rate, many tribes are making significant advancements in their ability to effectively police their communities. Tribes use cooperative arrangements with either the state or the federal government to increase the number of resources and personnel available to their reservation. Many tribes are also gravitating away from a crime control model of policing to a community policing approach. By doing so, tribes are better able to implement policing strategies and goals that are more in keeping with traditional Native American values.

Jaclyn Smith

See also Native American Courts; Native Americans; Victimization, Native American

Further Readings

Goldberg, C., & Singleton, H. V. (2005). *Public Law 280 and law enforcement in Indian Country: Research priorities*. Retrieved from http://www.ncjrs.gov/pdffiles1/nij/209839.pdf

Hickman, M. (2003). *Tribal law enforcement, 2000* [Fact sheet]. Retrieved from Bureau of Justice Statistics website: http://www.ojp.usdoj.gov/bjs/pub/pdf/tle00.pdf

Perry, S. (2005, December). *Census of tribal justice agencies in Indian Country, 2002*. Retrieved from Bureau of Justice Statistics website: http://www.ojp.usdoj.gov/bjs/pub/pdf/ctjaic02.pdf

Reaves, B. A. (2007, June). *Census of state and local law enforcement agencies, 2004* (NCJ Publication No. 212749). Retrieved from Bureau of Justice Statistics website: http://www.ojp.usdoj.gov/bjs/pub/pdf/csllea04.pdf

Wakeling, S., Jorgensen, M., Michaelson, S., & Begay, M. (2001). *Policing on American Indian Reservations: A report to the National Institute of Justice*. Retrieved from http://www.ncjrs.gov/pdffiles1/nij/grants/180774.pdf

Wood, D. (2000). *Turnover among Alaska village public safety officers: An examination of the factors associated with attrition*. Retrieved from http://justice.uaa.alaska.edu/research/1990/9901vpso/9901vpso.pdf

"Truly Disadvantaged"

The phrase "truly disadvantaged" refers to a segment of the American population often referred to as the "underclass" or the "ghetto underclass," predominantly Black, who often live in inner cities and urban areas stricken with poverty, family instability, unemployment, a poor educational system, and crime. This population also suffers from problems such as high rates of drug addiction, out-of-wedlock births, and welfare dependency. The number of truly disadvantaged is increasing, as unsound public policies continue to increase poverty while also failing to create opportunities for those living in these areas. Thus, hopelessness is often an attribute that is seen among the underclass.

The Concept of the Truly Disadvantaged

The term *truly disadvantaged* originated in the work of William Julius Wilson. Wilson is known for his book, *The Truly Disadvantaged: The Inner City, the Underclass, and Public Policy,* in which he addresses the issue of the poor who, as a class, have become socially isolated into certain geographic areas. Inevitably, this has had an effect on the continuance of and increase in the incidence of poverty. While in Wilson's research the truly disadvantaged were primarily African American, the term also refers to members of any ethnic group with high levels of poverty. The growth of this underclass has resulted chiefly from economic decisions that have adversely affected the unemployment opportunities of urban residents over the past half century.

In the 1950s and 1960s African American males began to experience higher unemployment rates as a result of agricultural jobs that they once performed in the South being increasingly taken over by mechanical labor. This led many to travel to the North in search of work. However, in the 1970s the labor market was flooded with White women, and by members of the baby boom generation who were entering the workforce for the first time with more skills and education than most of these men possessed. The same period also witnessed the closing of manufacturing plants in the North, where many Black men had worked, for example, in steel and automobile manufacturing.

As time went on, the number of jobs that required formal education increased, and Black men were unable to catch up. Jobs that required less education were moving away from the inner city, so Black men had fewer job opportunities. This affected, in turn, the family structure in primarily African American neighborhoods. Women did not want to marry men who were unemployed and unable to support themselves. This led to the increase in female-headed households; women had fewer options for marrying men in their neighborhood, who lacked the means necessary to start a family.

The pattern of loss of jobs helped to create the underclass seen in inner cities, but there were also other factors. In these neighborhoods there existed working-class and middle-class Blacks, living side by side. But as middle-class Blacks began to prosper, many moved out of the neighborhood. This was detrimental to working-class families, who now were without positive role models, or "social buffers," as Wilson calls them, for the neighborhood children and other adults in the neighborhood. At times, these residents had acted as a stabilizing influence. With their departure, all that remained were the families who were too poor to leave the neighborhood. This further increased the gap between middle-class African Americans and those poor families who have stayed. Policies such as affirmative action tend to benefit middle-class Blacks more so than the underclass, who lack the education and job skills that they might otherwise use to get ahead through affirmative action initiatives.

Wilson identifies historical racism as the reason for the modern-day racism that has led to the creation of today's underclass, the truly disadvantaged. In the past, racism was overt. There were laws that enabled discrimination against Blacks in employment and education. After the civil rights movement and the passage of the Civil Rights Act in 1964, it became illegal to discriminate against a person based on race. However, more covert ways of discrimination began to emerge, which have contributed to the creation of the truly disadvantaged. As a result of the Civil Rights Act, Blacks could now legally live or work anywhere they chose. Yet the majority could not afford to

live in White suburban neighborhoods or to attend college or job training. Furthermore, many of the government programs that followed the passage of civil rights legislation continued to neglect poor Blacks.

Truly Disadvantaged Women

Much attention in the literature is focused on the issues of truly disadvantaged men. However, the women who fall into this category deserve special consideration. In poor, urban neighborhoods, Wilson acknowledges that a great number of teens are having out-of-wedlock births. He rejects, however, the idea that welfare benefits have directly contributed to the decrease in traditional family living and the increase in out-of-wedlock births. Wilson notes that studies on the subject have found only a moderate relationship between welfare benefits and marital status. The status of the current benefits may influence the living situations of unmarried teen mothers. Currently, the welfare system is set up so that it is in the financial interest of the woman to live alone rather than to reside with her parents or a partner.

Women who are among the truly disadvantaged are faced with scant opportunities for education and employment. Their decisions to have children are often not based on a life plan but are often unplanned or accidental.

Conclusion

To combat the many problems seen among the truly disadvantaged, Wilson has emphasized the importance of providing job and educational training to the poor. To accomplish this, a strategy needs to be implemented on a national level. In addition, Wilson suggests the need for universal health care. Many poor, unemployed individuals cannot afford health care and suffer as a result. Reforming existing social structures to enable the poor to have greater access to health care would allow them to better compete for jobs, because it would help eliminate illness as a cause of unemployment.

Shelly Clevenger

See also Code of the Streets; Family and Delinquency; Focal Concerns Theory; Institutional Racism; Racism; Structural–Cultural Perspective

Further Readings

Wilson, W. J. (1980). *The declining significance of race: Blacks and changing American institutions*. Chicago: University of Chicago Press.

Wilson, W. J. (1981). The Black community in the 1980s: Questions of race, class and public policy. *Annals of the American Academy of Political and Social Science*, *54*, 26–41.

Wilson, W. J. (1984). The Black underclass. *Wilson Quarterly*, *8*, 88–99.

Wilson, W. J. (1987). *The truly disadvantaged: The inner city, the underclass, and public policy*. Chicago: University of Chicago Press.

Tulia, Texas, Drug Sting

Early in the morning of July 23, 1999, dozens of arrests occurred in the town of Tulia, a small town in the Texas panhandle. As part of a drug sting operation, police raided homes and arrested people, most of whom had no idea what was going on, why they were being arrested, or what crime they were supposed to have committed. A total of 46 people (approximately 20% of the town's population) were targeted in this mass arrest, 40 of whom were African American. The six non–African Americans arrested had strong ties to the African American community in Tulia. Afterward, Tulia would become known as a place where a grave injustice had taken place, but only after many of the town's African American citizens had been tried, convicted, and sent to prison.

From the beginning of this sting operation, there were questions about everything from how the evidence was gathered to why so many people in Tulia were being arrested. Some wondered who was buying all of the drugs that were being sold by so many alleged dealers. It was clear, however, that Tulia's law enforcement officials had targeted the town's small African American population, among whom many were unemployed and living on a relatively small income, in public housing or trailer

courts. This entry reviews the investigation that preceded the arrests, the trials and their outcome, and the aftermath, which eventually led to pardons of all those who had been convicted.

Undercover Investigation

Among the citizens of Tulia there had been concern about incidents of illegal drug use, and in an effort to clean up the town, the officials of Tulia hired a private informant, Tom Coleman, to work undercover as a narcotics agent to seek out drug dealers. Coleman was hired for this position despite a questionable past and no experience in the area of undercover narcotics. In the course of his undercover assignment, Coleman claimed to have made over 100 drug buys in the small town, using the alias of "T. J." This would have been a major accomplishment for even an experienced narcotics agent, but in the case of Coleman, lacking previous experience, it seemed a nearly impossible claim. Notwithstanding Coleman's claim, searches related to the drug busts failed to turn up any evidence related to drug dealing.

Coleman claimed that as he was working undercover, he wrote down important information on his leg when nobody was watching. The small amount of evidence that Coleman was able to piece together was inconsistent and unreliable. Most of the arrests made dealt with powdered cocaine, a substance most of the poor African Americans in Tulia could hardly afford. After making the arrests and claiming to have evidence on each person arrested, Coleman was unable to identify many of these same people in court.

Without Due Process

The only evidence offered in the trial was that based on the work of Coleman. In essence, those who were arrested in Tulia were tried, convicted, and sent to prison, all entirely based on Coleman's word. The accused citizens also lacked the funds to hire lawyers, so they were represented by court-appointed attorneys. The result was nearly all of those arrested ended up being falsely accused and charged.

Coleman was living in the shadow of his father, a former Texas Ranger. His goal, it seems, was to make a huge drug bust by any means possible, whether legal or not. As the accused drug dealers started going to trial, they were quickly convicted by the all-White juries hearing the cases in Tulia. In nearly all of the trials of the accused, nothing was brought up about Coleman's past career in law enforcement or his lack of evidence in the Tulia cases. The juries that convicted the accused believed that they were convicting drug dealers. In fact, after the arrests were made, it was widely believed that the law enforcement personnel had cleaned up Tulia and had virtually eliminated the city's drug problem.

Nearly all of the 46 people arrested were charged with dealing cocaine, and 7 of these people received prison terms. Fourteen people pleaded guilty, believing that this would be their best chance at a lesser sentence.

Even though a few of the accused admitted they had sold drugs to Coleman when he was working undercover, many more claimed that they did not even recognize Coleman. At the time of the trials, nobody seemed especially concerned whether the accused were receiving fair and adequate legal representation. The National Association for the Advancement of Colored People and the American Civil Liberties Union filed complaints alleging racial discrimination and prosecutorial misconduct, as well as violations of the defendants' rights under the Fourth, Eighth, and Fourteenth Amendments.

The Accused

One of the accused, Joe Moore, a farmer, received an especially long sentence of 90 years and was, according to Coleman, one of the leaders of the drug operation in Tulia. In a very short time, Coleman had gone from an inexperienced narcotics officer to the most celebrated lawman in Texas. Many viewed him as a hero who had rescued Tulia from the problem of drug dealers. Nearly everyone arrested was charged with selling small amounts of cocaine, but the charges were increased because Coleman alleged that the drugs were sold within a short distance of a nearby school. This charge was made even though most of the defendants lived in a trailer court located several miles from the school where the drugs were alleged

to have been sold. The result was much longer sentences for those accused.

Another arrested Tulia resident was Cash Love, accused by Coleman of selling drugs. Love is Caucasian but has strong ties to the African American community in Tulia and ended up being sentenced to over 300 years in prison. It is believed that Cash was made an example, so that the drug sting did not appear racist. Consider the case of Tonya White, another citizen of Tulia accused of selling cocaine. Coleman claimed that she sold him drugs at the same time she was actually in Oklahoma City making a withdrawal at a local bank. After White was able to produce a withdrawal slip with her name plus the time and date on it, the case was dropped. Another person turned out to have been at work, at his place of employment, when Coleman alleged that the accused had been elsewhere, selling cocaine to him.

The Aftermath

Eventually, a group of lawyers from around the country, working pro bono, secured new trials for the residents of Tulia accused of drug trafficking. Many of the accused had already served time in prison before anyone had attempted to reopen their cases. In 2003, Texas Governor Rick Perry issued a pardon for those accused in the Tulia case. The falsely accused citizens of Tulia have also since sought out monetary compensation for false arrest, loss of income, and suffering, and a lawsuit was filed on their behalf. In March 2004, a $5 million settlement was agreed on as compensation for having been falsely accused and, in many cases, sent to prison. At the same time, the federally funded narcotics task force responsible for the arrests was disbanded. Tom Coleman was charged with and convicted of perjury. The conviction ended his career in law enforcement, and he received a sentence of 10 years' probation.

Mitch Ruesink

See also Crack Epidemic; Disproportionate Arrests; Disproportionate Incarceration; Drug Sentencing; War on Drugs

Further Readings

Drug Policy Alliance Network. (2007). *Drugs, police and the law: Tulia, Texas*. Retrieved from http://www.drugpolicy.org/law/police/tulia/index.cfm

Gabbidon, S. L., & Greene, H. T. (2005). *Race and crime* (see highlight box 4.2, pp. 117–120). Thousand Oaks, CA: Sage.

Hockstader, L. (2002, August 28). Texas to review Tulia drug sting. *The Washington Post*, p. A2.

Tulsa, Oklahoma, Race Riot of 1921

The Tulsa Race Riot took place on May 31 and June 1, 1921, in the economically prosperous Greenwood section of Tulsa, Oklahoma. Some 35 square blocks of Black-owned businesses and homes were burned to the ground, and more than 300 people were killed. The immediate cause of the violence was a sharp rise in racial tensions fueled by an inflammatory story that appeared in the Tulsa *Tribune*, describing an encounter between a Black man and a White woman in Tulsa's business district. The newspaper's highly distorted account of the event led to the forming of a racist lynch mob and ultimately to the destruction of a thriving African American community amid great loss of life. Only after nearly 50 years of official silence, amounting to a virtual taboo on the subject, was an investigation finally authorized.

Allegations of Interracial Assault

The origin of the riot lay in the allegations of Sarah Page, a White elevator operator in the Drexel office building in downtown Tulsa. Page alleged that she had been assaulted by Dick Rowland, a young Black man who operated a shoe shine stand in the building. Rowland, like other Negroes, was not permitted under Jim Crow laws to use the restroom in downtown business establishments. Intending to use the facility on the fourth floor, he tripped while entering the elevator because the elevator platform was not level with the floor. In an attempt to break his fall he grabbed Page's arm, which frightened her. Her cry of "Rape!" attracted the attention of Whites in the

establishment, and in the ensuing commotion and amid accusations, Mr. Rowland became nervous and fled the building. Arrested and questioned, he gave an account that contradicted the account provided by Page. Rumors of the incident had quickly begun to spread around Tulsa, and it was thought prudent to keep Rowland in custody for his protection. Shortly thereafter, the *Tribune* published the article that ultimately led to the riot.

The *Tribune* Story

Rumors of the encounter in the elevator of the Drexel building continued to circulate. Although the chief detective stated that the case for prosecution was uncertain, Rowland was kept in protective custody. Meanwhile, *Tribune* publisher Richard Lloyd Jones, in keeping with the standards of "yellow journalism," saw an opportunity to sensationalize the incident and thereby perhaps boost the circulation of his newspaper. Under the headline "Nab Negro for Attacking Girl in Elevator," the story appeared alongside another story, featuring pictures of local White beauty pageant contestants. Jones exaggerated the details of the story and invented for Rowland the nickname "Diamond Dick," describing him as a predator who had committed a premeditated assault on Page. He reported that Rowland had looked down the hallway, jumped into the elevator, scratched Page's arm, and begun tearing off her clothes. Jones's lies contradicted both Page's and Rowland's accounts, but the combination of story placement, sensational headline, and lurid details incited outrage and created an uproar among some White citizens, who railed publicly against the Negro perpetrator and called for his immediate release to vigilantes intent on administering "justice." Further inflaming the already charged atmosphere, as Tim Madigan notes, newsboys were yelling, "Extra! Extra! To Lynch a Negro Tonight! Read All About It!"

Some of Tulsa's citizens regarded the headlines skeptically and viewed the story simply as a means for Jones to seek monetary gain and a competitive edge over the rival newspaper, the *World*. For others, however, the *Tribune*'s account was all that was necessary to bring racial tensions in Tulsa to a boil. When reports of an impending Negro lynching traveled back to the *Tribune* office, editors pleaded with Jones to retrieve the edition containing the story. By the time Jones agreed, it was too late; the newsboys were unsuccessful in their efforts to get the newspapers back. Shortly after learning how the story was affecting the citizenry, the sheriff's deputies secretly moved Rowland to a safer location, a jail cell on the fourth floor of the courthouse.

A Lynch Mob Assembles

By the afternoon of May 31, 1921, an angry mob of White citizens began to assemble before the county courthouse. Sheriff William McCullough assured Dick Rowland that he would live to see his day in court even if the townspeople wanted to see him lynched. Three Klansmen from out of town arrived at the courthouse with intentions to gain access to Rowland. McCullough turned them away without incident, but one then spoke to the crowd, saying, "The honor and purity of White women everywhere is at issue right here in Tulsa! A young orphan girl has been horribly violated! Can Tulsa stand by for that?" Sheriff McCullough tried to calm the mob but without success. He went back inside the courthouse and advised his deputies to shoot anyone that entered with intent to harm the suspect.

Greenwood Citizens Respond

As rumors of a forthcoming lynching reached Greenwood, prominent Black citizens began to mobilize efforts to make sure that Dick Rowland would not die the way that White murderer Roy Melton had; the previous sheriff had surrendered that prisoner to an angry mob to be hanged. The Greenwood residents loaded cars and marched single file with weapons to the courthouse to protect Rowland. When the mob saw weapons being brandished, they retreated to their homes and to the National Guard Armory for guns and ammunition. The Black citizens' militant stance was viewed as an unacceptable threat against the White citizens of Tulsa, and Whites assembled by the score to respond.

McCullough convinced the armed Black citizens to return to Greenwood, but they later reconvened at the rumor of Whites storming the courthouse. The rumor was untrue, but more

Greenwood men gathered to protect Rowland. A tall, Black World War I veteran named O. B. Mann directed his associates to form a line to guard the courthouse entrance. According to witnesses, Mann stood his post when an older, White man approached him, saying, "Nigger, what are you going to do with that pistol?" Mann replied, "I'm going to use it if I need to." The White man said, "No, you give it me," and Mann replied, "Like hell I will." The old White man lunged for the pistol and, in the ensuing tussle, the gun discharged. Immediately, hundreds of shots rang out.

The Tulsa Riot

The shootout at the courthouse ignited the Tulsa Race Riot of 1921. What had begun days before as an encounter between two people in an elevator had now become an armed mass conflict. The White man who had initiated the confrontation was among the first to die. Sheriff McCullough understood that he could do nothing to halt the melee outside the courthouse. Whites began to fire on any Black person in sight, and many lifeless bodies, mostly Negro, lay on the streets. The Black residents of Tulsa retreated beyond the tracks into Greenwood. During that day and the next, many families lost their savings, their property, and their lives. Klansmen forced Black families out of their homes, and those who resisted were shot. Homes and businesses were looted, and mobs brought trucks to carry off the valuables of the more affluent Negro families. Afterward, houses and places of business in Greenwood were burned to the ground.

Surrendering Blacks were rounded up and treated as prisoners of war. They were paraded, with hands raised, through the streets of Tulsa to the Convention Center and a baseball park. As they were led in, crowds of White Tulsans cheered. Some Blacks were shot to death, while some Whites fired shots at the feet of those who did not move fast enough during the procession. Several Blacks were tied to car bumpers and dragged to their deaths; others were tied together and pulled by a motorcycle police officer.

Destruction of Greenwood

As gunfire ceased momentarily, Whites were planning a more vicious attack. At 5:08 a.m. a loud whistle was the signal for Whites to invade Greenwood. Corpses already lay throughout Greenwood, some burned and others shot to death. The National Guard received orders from the governor to protect the Whites from the "Negro uprising." This order turned into an outright attack on the Black citizens of Tulsa, in which airplane assaults were used to lethal effect and to ensure the burning of Greenwood. Approximately 75 residents were killed in the aerial attack. During the burning, neither fire trucks nor ambulances were permitted in the area. Anyone attempting to defy mob orders would be threatened with their own demise. In all, 35 square blocks of Greenwood were burned to the ground, including hotels, drugstores, movie theaters, grocery stores, law offices, dry cleaners, schools, residential zones, churches, service stations, and other establishments. At the end, over 300 Blacks and 13 Whites lay dead, and more than 4,000 Blacks were left homeless.

Aftermath of the Riot

Afterward, Negroes were blamed for having instigated the Tulsa race riot; Greenwood residents' attempt to defend Dick Rowland for an alleged offense against a White woman caused some Whites to hold the Black citizens of Tulsa collectively responsible for the tragedy. But other Whites believed that the riot was caused by drunken White out-of-towners, who were given license to exercise their racist beliefs toward the "uppity" Negroes of Greenwood. After the riot had ended, several benefactors were interested in providing resources to help rebuild Greenwood, but funds were refused by the mayor of Tulsa. Many former residents remained homeless and lived in tents provided by the Red Cross; others left with intentions never to return.

Early on, Greenwood, in spite of its location in the segregated South, had become a beacon of success among Negro communities across the United States. Many of its citizens were educated and had

strived to achieve prosperity. They owned their homes and businesses and had become a proudly self-sustaining Negro community. Years later, Black survivors of the riot of 1921 spoke with pride of the wealth attained in their former community and of the envy this had created among many of the White citizens of Tulsa.

In September 1921, Sarah Page decided to drop the charges against Dick Rowland, who had been smuggled out of town on the morning of June 1, 1921, by sheriff's deputies, and sent to Kansas City. Page also later relocated to Kansas City following her divorce, and Rowland's mother told an interviewer that Page and Rowland saw each other often, and that Page admitted to feeling terrible that the police had arrested Rowland for something he did not do. Of her feelings concerning the riot and the fiery demise of Greenwood, no record remains.

The Tulsa Race Riot Commission was formed in 1997 to investigate the riot. The commission recommended that the state pay restitution, including payment to surviving victims. Although the Oklahoma legislature passed the 1921 Tulsa Race Riot Reconciliation Act in 2001, it did not implement the commission's recommendations. A legal team led by Johnnie Cochran and Charles Ogletree sought compensation for victims and their families, but the suit was ultimately dismissed.

Vincent E. Miles

See also Lynching; Media, Print; Race Relations; Race Riots; Vigilantism

Further Readings

Hirsch, J. A. (2002). *Riot and remembrance: The Tulsa race war and its legacy*. New York: Houghton Mifflin.

Madigan, T. (2001). *The burning: Massacre, destruction, and the Tulsa Race Riot of 1921*. New York: Thomas Dunne Books.

Tuskegee Syphilis Study

The Tuskegee Syphilis Study is most often remembered for its unethical research design rather than for any significant scientific findings. When the study's true nature was made public, 40 years after the project began, the effect was not only a national scandal but a considerable increase in distrust by African Americans toward the U.S. government. This entry examines the design and implementation of the Tuskegee study and discusses its lasting social implications and its impact on research methodology and ethics.

Background of the Study

In 1928 a Chicago-based philanthropic organization, the Julius Rosenwald Fund, approached the U.S. Public Health Service (PHS) in an effort to improve health care services and education for Black Americans in the rural South. Previously, the PHS had conducted a study in Mississippi concluding that 25% of more than 2,000 Black participants had tested positive for syphilis. On the basis of these findings, the two groups collaborated to improve syphilis treatment in the region of Mississippi where the study took place. The initial project was a success, and the PHS requested additional monies from the Rosenwald Fund to expand the project into five additional poor rural counties in Georgia, Tennessee, North Carolina, Virginia, and Alabama. Referred to as "syphilis control demonstrations," the project was designed to first test for syphilis and later provide treatment for the disease within these Black communities. The expanded program was funded from 1929 to 1931. During that time, researchers determined the Alabama site, Macon County, had the highest rates of syphilis, 35% to 40% of those tested.

Prior to the beginning of the treatment phase of the project, the financial impact of the Depression had eliminated its philanthropic funding. The PHS no longer had the financial resources needed to develop and implement treatment programs. Rather than abandon the research, the PHS decided to modify the focus of the study from detecting and treating syphilis to studying the health effects of untreated syphilis. This "revised" study was intended to continue for 6 months to 1 year. Optimistic researchers believed that documenting the negative health effects of untreated

syphilis would lend support for improved medical attention for Blacks and force southern legislators to fund treatment programs.

How could a project originating from such good intentions result in one of the most often cited examples of unethical research? Clearly the social and cultural beliefs of the time must be considered when analyzing the design and implementation of the revised study. During that period in U.S. history, strong beliefs about racial disparities prevailed. Specifically, Blacks were still widely believed to be physically and mentally inferior to Whites; they were segregated within society and treated as second-class citizens. The PHS, Tuskegee Institute, and other participating agencies were certainly influenced by these factors when designing and carrying out the revised study.

Renamed "The Tuskegee Study of Untreated Syphilis in the Negro Male," the study began in 1932 and ended in 1972. The new study was designed to record the long-term effects of untreated syphilis in Black males. Research conducted in Norway on untreated syphilis in White males had been published in 1929. The researcher concluded that untreated syphilis resulted primarily in cardiovascular damage. American scientists disagreed with the findings and believed syphilis affected Blacks and Whites differently. American scientists believed untreated syphilis chiefly affected neurological systems in Whites but, due to purported lower intellectual abilities, instead chiefly affected cardiovascular systems in Blacks. It was this belief that fueled the continuation of the study.

Macon County, Alabama, was selected for the study because of the already established high rates of syphilis within the Black population. The original study consisted of 399 syphilis-infected subjects and 201 noninfected subjects. Believing the subjects would not be able to understand medical terminology, researchers told subjects they were being tested, and treated, for "bad blood." A common term within the community, "bad blood" included a variety of ailments, including syphilis and fatigue. In exchange for participating in the study, the men received medical exams, treatment for illnesses other than syphilis, free meals, free transportation to and from examinations, and free burial if an autopsy was performed after their death.

The Study Exposed

After 40 years of ongoing research, the true nature of the study was exposed to the public. In 1972 the first newspaper article about the study was published, calling into question the validity of the government's research. It should be noted that several articles based on the findings of the study had been published in medical and research journals throughout the 40 years of the study. However, when the story was published in the newspaper for the general public, it became clear that participants had been lied to not only by the government about the true nature of the research but also by those trusted institutions enlisted to encourage participation. For example, churches, schools, employers, and Black doctors and nurses were used as sources of potential subjects and to keep track of participants.

Many people were infuriated to learn that treatment had been deliberately withheld from infected subjects, even after simple penicillin treatments were discovered in the 1940s. In addition, the recognition that it was known that untreated individuals posed significant health risks to others and were needlessly suffering the effects of the disease illustrated the cruelty of the study. In 1997, 25 years after the study ended, President Bill Clinton offered the first public apology for the study.

Consequences

In relation to research design, methodology, and ethics, Tuskegee and government researchers violated basic research principles, such as informed consent, not deceiving subjects, and guaranteeing anonymity/confidentiality to participants. This has had a lasting effect on trust within the Black community when it comes to participating in research. Researchers have confronted fears stemming from the Tuskegee study as reasons not to take part in AIDS and HIV research. The Tuskegee Syphilis Study has become synonymous with government conspiracy and abuse of trust.

If there is one positive outcome of the Tuskegee study, and other questionable studies, it is the creation of the Institutional Review Board (IRB). IRBs are charged with reviewing and approving research

proposals that include human subjects before the research begins. This process allows others to scrutinize the proposed research for any unethical and/or harmful behavior in an attempt to prevent any future research like the Tuskegee Syphilis Study.

Amie R. Scheidegger

See also HIV/AIDS; Race Relations

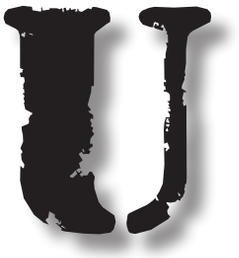
Further Readings

Centers for Disease Control and Prevention. (n.d.). *U.S. Public Health Service syphilis study at Tuskegee: The Tuskegee timeline*. Retrieved May 12, 2007, from http://www.cdc.gov/tuskegee/timeline.htm

Jones, J. (1981). *Bad blood: The Tuskegee syphilis experiment—A tragedy of race and medicine*. New York: The Free Press.

Reverby, S. M. (Ed.). (2000). *Tuskegee's truths: Rethinking the Tuskegee Syphilis Study*. Chapel Hill: University of North Carolina Press.

Thomas, S. B., & Quinn, S. C. (1991). The Tuskegee Syphilis Study, 1932 to 1972: Implications for HIV education and AIDS risk education programs in the Black community. *American Journal of Public Health*, *81*, 1498–1505.



UNITED STATES V. ANTELOPE

In the 1977 case of *United States v. Gabriel Francis Antelope,* the U.S. Supreme Court held that no violation of due process or equal protection occurred, wherein three Coeur d'Alene Indian men were charged and prosecuted under federal law based upon the fact that the crime occurred on an Indian reservation, which is a federal enclave. A federal enclave is a designated geographic region over which the federal government holds sole jurisdiction, as permitted by Article 1, Section 8, clause 17 of the U.S. Constitution. A federal enclave is distinguished from territories and possessions obtained under other constitutional provisions. The Court further held that there was no equal protection violation in the federal charge of felony murder, although the state of Idaho did not have a felony murder rule.

Gabriel Antelope, Leonard Davison, and William Davison broke into the house of Emma Johnson on the night of February 18, 1974. Although she was not a Coeur d'Alene Indian, the 81-year-old woman resided within the boundaries of the Coeur d'Alene Reservation in the state of Idaho. The three men, who were enrolled Coeur d'Alene Indians, proceeded to rob and murder Johnson and burglarize her home.

The three men were charged in federal court with the crimes of felony murder, burglary, and robbery. This was done under the authority of Title 18 of the U.S. Code, which is commonly known as the Major Crimes Act and was written specifically to delineate the procedure to be followed when "Indians" committed criminal violations while on reservation land. Title 18 of the U.S. Code (USC §1153) states:

> Offenses committed within Indian country (a) Any Indian who commits against the person or property of another Indian or other person any of the following offenses, namely, murder, . . . burglary, robbery, . . . within the Indian country, shall be subject to the same law and penalties as all other persons committing any of the above offenses, within the exclusive jurisdiction of the United States.

Antelope and Leonard Davison were found guilty of all three charges. William Davison was convicted of one charge, second-degree murder.

Antelope and Leonard Davison appealed their convictions for felony murder to the Ninth Circuit Court of Appeals based upon the claim that they were the victims of racial discrimination violating their Fifth Amendment due process and equal protection rights. Their claim stated that had they been non-Indian they would have been tried under Idaho state law, which did not have a felony murder provision; therefore, to try them by federal law was an aggrievous race-based discrimination that put them at undue danger to life and limb. The Ninth Circuit Court of Appeals overturned the original convictions for felony murder because it determined that the lesser standard required of the prosecutor in federal court, or the elimination of the requirement to show premeditation and

deliberation by the respondents, did put the respondents "at a serious racially-based disadvantage" (523 F. 2d 400, 406 (1975)). After the Ninth Circuit Court of Appeals reversed the felony murder portion of their convictions, the Supreme Court granted certiorari to review the felony murder conviction.

The defendants alleged to the Supreme Court that their Fifth Amendment due process and equal protection rights had been violated by the choice to pursue charges under federal law that applied to them unfairly only because of their enrollment as Coeur d'Alene Indians, rather than an Idaho state prosecution that would apply to everyone else. As a second claim, they alleged that the difference in laws and sanctions between the federal jurisdiction and the state created unlawful discrimination against enrolled Indians.

The Supreme Court disagreed on both counts. Basing their decision upon the U.S. Constitution, precedent, and the history of relations between Indian tribes and the American government, the Supreme Court held that charging the three defendants under federal law was not racially discriminatory and, therefore, a violation of neither equal protection nor due process. Stating that all persons upon federal enclaves were subject to the identical federal law, these defendants were not treated differently than any other violator of law would have been. Last, the Court notes in footnotes that the supremacy clause of the U.S. Constitution, Article VI, clause 1.2, voids any sort of forum shopping by defendants for a court with the most sympathetic penalties.

As to the difference between federal and state law, the Court held that both the federal legislature and the state legislature have the right to promulgate law for their respective jurisdictions, even if those laws differ in content and penalty. As long as each set of laws is consistent and impartial, there is no due process violation. In footnotes, the Court went further to note that based upon precedent, if the defendants had been tried in state court those convictions could have been overturned for lack of jurisdiction.

Maldine Beth Bailey

See also Native American Courts; Native Americans

Further Readings

Keeble v. United States, 412 U.S. 205, 93 S.Ct. 1933, 36 L.Ed.2d 844 (1973).
Morton v. Mancari, 417 U.S. 535, 94 S.Ct. 2474, 41 L.Ed. 2d 290 (1974).
United States v. Gabriel Francis Antelope, et al., 430 U.S. 641, 97 S.Ct. 1395, 51 L.Ed2d 701 (1977).

Websites

18 U.S.C. §1153: http://www.usdoj.gov/usao/eousa/foia_reading_room/usam/title9/crm00679.htm

United States v. Armstrong

United States v. Armstrong was a court case involving Christopher Lee Armstrong and other defendants who had been indicted on federal drug charges after selling 124 grams of cocaine base (crack) to police over a period of several months. The defendants alleged that they had been selectively prosecuted because they were Black, in violation of the due process clause of the Fifth Amendment. In its ruling, the U.S. Supreme Court held that in order to establish selective prosecution claims, defendants must show that the government failed to prosecute similarly situated suspects of other races.

Background

The defendants, who were charged with conspiring to possess with intent to distribute more than 50 grams of cocaine, filed a motion for discovery or dismissal. In support of their motion, they presented anecdotal evidence alleging that the Inglewood, California, Police Department had demonstrated a pattern of discriminatory behavior against Blacks. This evidence consisted of an affidavit from a paralegal specialist stating that all the defendants in the 24 comparable crack cocaine cases handled by the federal public defenders during the preceding year were Black.

The U.S. District court ruled in favor of the defendants and ordered the government to (a) provide a list of all cases from the previous 3 years

involving cocaine and firearms offenses, (b) identify the race of all defendants in these cases, (c) identify the types of investigative procedures involved, and (d) provide a detailed explanation as to how the government came to the decision to pursue charges in federal, rather than state, courts (federal penalties are greater than penalties in California, where the defendants had been indicted).

The government refused to provide the requested information to the defense, and as a result the federal trial court judge dropped the charges. Subsequently, the U.S. Court of Appeals for the Ninth Circuit affirmed the lower court decision, holding that the defendants, in order to claim selective prosecution, were not obligated to prove that the government failed to prosecute similarly situated Whites.

The government asserted that race played no role in the police undercover operations, the investigation, or the decision to prosecute. According to the government, the decision to prosecute was based on the facts that the case involved (a) more than 100 grams of crack (any amount in excess of 50 grams is considered to be a major felony), (b) multiple sales that involved multiple defendants (evidence of a crack distribution ring), (c) weapons violations, and (d) government-held audio and video proof of the illegal activities. Finally, the government pointed out that Armstrong and other defendants in the case had extensive criminal histories complete with not only serious drug violations but also weapons charges and that any similarly situated individual would have been prosecuted regardless of his or her race.

Citing *Oyler v. Boyles* (1962), the government also pointed out that in order to prove a selective prosecution claim, the defendant must show not only that the prosecutor followed a policy resulting in discrimination, but also that such action was motivated by a discriminatory intent. In effect, it asserted that the burden of proof requires defendants to prove that a similarly situated defendant of another race would not have been charged by this particular prosecutor. The prosecution noted that attorneys for the defendants could not produce a single suspect satisfying this requirement; in other words, the defense could not find a single example of a White person selling a similar amount of crack who was not arrested and charged by the prosecution.

The Supreme Court's Ruling

The U.S. Supreme Court ruled 8–1 in favor of the government, finding no support for the claim of selective prosecution. The Court ruled that in order to avoid unduly hampering the goals of the prosecution, the demands for proving selective prosecution must be rigorous. The defendants in *Armstrong,* however, provided only unreliable anecdotes that the federal prosecutor pursued charges only for Blacks who were involved in crack sales.

The Court noted the court of appeals began with the presumption that people of all races commit all types of crime. Contrary to this assumption, however, U.S. Sentencing Commission data for 1994 indicated that more than 90% of those convicted of crack dealing were Black, more than 93% of those convicted of LSD dealing were White, and 91% of those convicted of pornography or prostitution were White. The statistics, the Court asserted, suggest that in fact the probability of engaging in certain crimes correlates strongly with race.

This finding, in addition to the legally incriminating characteristics of the defendants discussed previously, means that no constitutional violation occurred during the decision to arrest and prosecute the defendants. Also, the Court held, citing *Bordenkircher v. Hayes* (1978), that when prosecutors have probable cause to believe that a suspect committed a crime defined by statute, that the decision to prosecute rests entirely with the discretion of the prosecutor. In *Armstrong,* the defendants failed to present meaningful evidence that the prosecutor intentionally violated the equal protection or due process clauses of the Constitution.

Impact

The Supreme Court ruling in *Armstrong* cleared the way for police and prosecutors to use "soft" racial profiling as a law enforcement tool. Soft profiling must be distinguished from "hard" profiling in that the latter uses race as the only factor

in determining criminal suspiciousness. In other words, if an officer or prosecutor confronts a suspect or defendant, he or she makes the decision to arrest or charge based solely on the suspect's race. Soft profiling, on the other hand, means that the police and prosecutors can implement policies conducive to aggressive law enforcement without concern for the demographic makeup of those who get prosecuted.

For example, the Drug Enforcement Administration (DEA) has developed a drug suspect profile using 13 race-neutral criteria. However, when implemented, these criteria could result in a disproportionate percentage of Blacks and Hispanics being arrested. Supporters of soft profiling argue that the ruling in *Armstrong* allows the use of methods such as the drug runner profile in order to identify and apprehend drug offenders, regardless of any superfluous appearance of selective enforcement and prosecution. The DEA profile that is taught to state police uses the following cues to "red flag" potential drug couriers:

- Drivers/passengers who turn around to see if police pursue them after passing
- Nervousness, lack of eye contact
- Conflicting information about origin or destination among the vehicle's occupants
- Inappropriate amounts of luggage in the vehicle
- Excessive cash in the vehicle
- No driver's license or registration or insurance card
- Spare tire in the backseat
- Rental license plates or plates from key source states (e.g., Arizona, Florida, New Mexico)
- Loose screws or scratches around the vehicle's hollow spaces (e.g., a sign of hiding drugs)
- A single key in the ignition
- Signs of drug use
- Computer-generated statistics showing crime hotspots
- Excessive trash in the vehicle, suggesting trepidation in stopping regularly

While all of the criteria are race neutral, some believe there is still a strong correlation between race and the probability of being apprehended by the police and subsequently prosecuted.

Although some critics argue that the use of drug courier profiling is racially discriminatory, others argue that *United States v. Armstrong* has led to improved strategies for addressing drug trafficking. From this perspective, an important positive outcome of *Armstrong* is the enhancement of law enforcement's ability to aggressively pursue dangerous drug criminals.

Billy Long

See also Drug Trafficking; Profiling, Ethnic: Use by Police and Homeland Security; Profiling, Racial: Historical and Contemporary Perspectives; Race Card, Playing the

Further Readings

Bordenkircher v. Hayes, 434 U.S. 357 (1978).
Gabbidon, S. L., & Greene, H. T. (2009). *Race and crime* (2nd ed.). Thousand Oaks, CA: Sage.
Oyler v. Boyles, 368 U.S. 448 (1962).
Russell, K. K. (1998). *The color of crime*. New York: New York University Press.
United States v. Christopher Lee Armstrong et al., 517 U.S. 456 (1996).
Walker, S., Spohn, C., & DeLone, M. (2007). *The color of justice* (4th ed.). Belmont, CA: Wadsworth/Thomson.

United States v. Booker

The Preamble to the U.S. Constitution starts with the statement: "We hold these truths to be self-evident, that all men are created equal and that they are endowed by their creator with certain inalienable rights. . . ." One of the key points listed in the Sixth Amendment to the Constitution is the right to a jury trial. This right applies throughout the legal process, up to and including sentencing. In *United States v. Booker* (2005), the defendant challenged his sentence on the basis that his rights under the Sixth Amendment had been violated. This entry reviews the facts of the case, the issues involved, and related cases. The case pertains to race and crime in that there have been serious concerns regarding

sentencing guidelines and racial disparities in sentences—particularly in drug cases. This case provided some additional direction on these two issues.

The Case

In 2003, the defendant, Freddie J. Booker, was convicted in the Western District of Washington State of possessing with intent to distribute at least 50 grams of cocaine base, in violation of 21 U.S. Code (U.S.C.) Section 841. However, when Booker was arrested, the police found 92.5 grams of cocaine and $400 in his duffle bag, and Booker admitted in a written statement to the police of selling an additional 566 grams of cocaine.

While the statutory penalty for Booker's conviction pursuant to 21 U.S.C. 841 was 10 years to life, enhancements by the sentencing judge, based on additional facts, increased the possible sentence to a range of 30 years to life. Based on the jury verdict and the defendant's criminal history, the federal sentencing guidelines authorized 210–262 months in prison. (The sentencing guidelines were passed as a result of the Sentencing Reform Act of 1984 and became effective on November 1, 1987, as part of the government's attempt to control judicial sentencing discretion.)

The judge found by a preponderance of the evidence that Booker distributed 566 grams of cocaine (which was beyond the jury verdict) and that Booker had obstructed justice. According to the federal sentencing guidelines, this increased Booker's base level of offense and resulted in a longer sentence; the sentence was 30 years, nearly 10 years longer than supported by the jury verdict. Booker appealed his sentence to the U.S. Court of Appeals for the Seventh Circuit. Although the court of appeals affirmed the conviction, it reversed the sentence and found that the sentencing guidelines, as applied in this case, were in violation of the Sixth Amendment. The court of appeals relied on the holding of *Blakely v. Washington* (2004), where the court found that a sentence, enhanced based on facts other than admitted by the defendant or determined by a jury beyond a reasonable doubt, violated the Sixth Amendment right to a jury trial. In *Blakely,* the sentencing guidelines were those of the state of Washington and not the federal government. The government appealed the Seventh Circuit's decision on *Booker* (375 F.3d 508 [7th Cir. 2004]) to the U.S. Supreme Court.

The Issue

The question presented to the Court was whether a sentencing judge could use information other than a jury verdict, statements made by the defendant, and prior convictions when following the sentencing guidelines for sentencing enhancement. Did the reliance by the judge on facts in addition to those determined by the jury to be beyond a reasonable doubt deny Booker his Sixth Amendment guarantee to a jury trial?

Related Case

In *United States v. Fanfan* (2005), federal agents found 1.25 kilograms of cocaine and 28.6 grams of cocaine base in Ducan Fanfan's vehicle. Fanfan was charged and convicted in the U.S. District Court of Maine with conspiracy to possess and distribute 500 or more grams of cocaine, in violation of 21 U.S.C. 841 and 846. Pursuant to the sentencing guidelines, this conviction authorized a sentence in the range of 188 to 235 months' imprisonment. At the time of sentencing, the trial judge found the defendant was responsible for 2.5 kilograms of cocaine powder and 261.6 grams of crack and had a leadership role in the criminal activity. If these factors were considered at sentencing, the sentence could have risen to about 16 years instead of the 5 to 6 years authorized by the jury verdict alone. The Supreme Court handed down its decision in *Blakely* 4 days before the sentencing judge passed sentence in *Fanfan.* As a result, the sentencing judge considered the findings in *Blakely* and limited the sentence only to those factors relative to the jury's verdict; the sentence was 78 months. The prosecution appealed, requesting that the additional factors be considered pursuant to the sentencing guidelines. It also filed a petition for a writ of certiorari to the Supreme Court; this was granted. This case was consolidated with *United States v. Booker* before

the Supreme Court. Other key cases that were reviewed by the Supreme Court in reaching its decision are *Jones v. United States* (1999), *Apprendi v. New Jersey* (2000), *Ring v. Arizona* (2002), *Regan v. Time, Inc.* (1984), and *In re Winship* (1970).

The Court's Ruling

The Supreme Court affirmed the ruling of the Seventh Circuit in *United States v. Booker* and vacated the judgment of the district court in *United States v. Fanfan;* both cases were remanded. In a 5–4 decision, the Court found that the Sixth Amendment requires juries and not judges to determine the facts relevant to sentencing. The sentencing of Booker was a violation of the Sixth Amendment.

The Court determined that the Sixth Amendment is violated by the imposition of an enhanced sentence under the sentencing guidelines based on the sentencing judge's determination of a fact that was not found by a jury beyond a reasonable doubt or admitted by the defendant. The Court also determined that the statute that makes the sentencing guidelines mandatory (18 USC Annotated Section 3553(b)(1) (Supp. 2004)) was incompatible with its decision and must be severed, making the guidelines advisory.

Keith Gregory Logan

See also Drug Dealers; Drug Sentencing, Federal; Drug Trafficking; Drug Treatment; Drug Use

Further Readings

Apprendi v. New Jersey, 530 U.S. 466 (2000).
Blakely v. Washington, 542 U.S. 296 (2004).
Clancy, K., et al. (1981). Sentence decisionmaking: The logic of sentence decisions and the extent and sources of sentence disparity. *Journal of Criminal Law & Criminology*, *72,* 24–26.
In re Winship, 397 U.S. 358 (1970).
Jones v. United States, 526 U.S. 227 (1999).
Regan v. Time, Inc., 468 U.S. 641 (1984).
Ring v. Arizona, 536 U.S. 584 (2002).
United States v. Booker, 543 U.S. 220 (2005).
United States v. Fanfan, 543 U.S. 220 (2005).

United States v. Brignoni-Ponce

Concerns about racial and ethnic profiling by law enforcement have bedeviled American courts for decades. These concerns gained new currency following the terrorist attacks on the World Trade Center in New York City on September 11, 2001. Issues involving profiling have become intertwined with debates about immigration and the porous nature of international borders, with particular attention directed at undocumented aliens crossing the Mexico–U.S. border. The constitutional issues surrounding border enforcement have involved the U.S. Supreme Court in deciding the limits of law enforcement powers to search and detain individuals at or near the international border. In essence, the Court has had to determine which tactics used by the U.S. Border Patrol run afoul of the Fourth Amendment's prohibition against unreasonable searches and seizures. In *United States v. Brignoni-Ponce,* the U.S. Supreme Court confronted the issue of roving patrols stopping vehicles near an international border to inquire about citizenship and immigration status.

Brignoni-Ponce's Arrest

On March 11, 1973, Felix Brignoni-Ponce, accompanied by two passengers, was driving an automobile near the Mexican border in southern California. He approached a fixed checkpoint employed by the Border Patrol in furtherance of its regular traffic-checking operations in the area. However, that evening the checkpoint was closed due to bad weather; instead, Border Patrol officers, parked in a patrol car at the side of the highway, used their headlights to observe passing cars on the dark road. The officers observed Brignoni-Ponce's automobile and, by their own admission, initiated a pursuit and stop of the vehicle solely because the occupants of the car appeared Mexican. The officers then questioned the occupants about their citizenship and discovered that the passengers had illegally entered the United States. The three occupants were then arrested, with Brignoni-Ponce being charged with two counts of knowingly transporting illegal immigrants. At his trial,

Brignoni-Ponce attempted to suppress any testimony either about or by the passengers, arguing it was the product of an illegal seizure. However, his motion to suppress the evidence was denied by the trial court, and he was convicted on both counts based on the testimony of his passengers.

Legal Background

During Brignoni-Ponce's appeal of the conviction, the U.S. Supreme Court decided in *Almeida-Sanchez v. U.S.* that, absent a warrant or probable cause, roving patrols away from the border or its functional equivalents (for example, arrival gates at international terminals in airports) are under the Fourth Amendment prohibited from searching vehicles. Applying these principles in Brignoni-Ponce's case, the court of appeals held that stopping a vehicle and questioning the occupants, absent what the court termed a "founded suspicion" that the individuals had entered the United States illegally, violated the Fourth Amendment. In particular, the court rejected the notion that Mexican ancestry alone provided sufficient justification for such stops and questioning.

Subsequently, before the Supreme Court, the government argued statutory authority allowing any Immigration and Naturalization Service officer to interrogate, without a warrant, any alien concerning his or her right to be in the country. The government contended that since the statute provided no geographic limitations upon this authority, nearness to the Mexican border permitted officers to infer that Mexican ancestry justified a belief that an individual was an alien. The government connected this statute to a second enactment permitting under federal regulations the search of vehicles within 100 miles of the border. This statute was interpreted by the Border Patrol as permitting vehicles to be stopped and occupants questioned absent any belief that the individuals are aliens or that aliens might be contained in the vehicle.

The Court's Ruling

In resolving *U.S. v. Brignoni-Ponce*, the Supreme Court acknowledged a strong public interest in preventing illegal aliens from entering the United States. Citing statistics about the numbers of illegal immigrants entering or remaining in the country and noting the social and economic issues posed by these aliens, the Court noted the Herculean task confronting the Border Patrol in securing the border.

However, the Court recognized that weighing against this important public interest was the invasion of the individual's liberty interest during even the briefest stop and interrogation. Noting that such stops generally impose only a modest intrusion on individual liberty interests, the Court allowed that these stops may be justified on less than probable cause. Citing decisions in *Terry v. Ohio* and other cases allowing limited stops and searches with less than probable cause in cases involving danger to police officers, the Court determined that because of the important governmental interest of securing the borders, the minimal intrusion caused by a brief stop, and the lack of any practical alternatives, officers may stop and investigate vehicles based on a reasonable suspicion that the vehicle is occupied by illegal aliens. Nevertheless, the Court refused to countenance roving patrols stopping vehicles without even a modicum of reasonable suspicion. Absent such a requirement, the Court observed that the lives of countless individuals living near the border would be subject to unlimited interference based only on their use of the highways. In addition, the Court observed that illegal traffic involving aliens produced characteristics amendable to recognition by officers and generating articulable facts for use in developing reasonable suspicion.

In addition, the Court rejected the government's argument of broad congressional authorization to stop any person for questioning who might be an alien. While allowing that Congress had broad authority to condition the admission of aliens into the country, the Court refused to accept this authority as lessening the rights of American citizens mistaken to be aliens. Applying the same reasoning used to reject the government's previous contention, the Court refused to allow stops and questioning of persons regarding citizenship absent reasonable suspicion of them being aliens.

In its decision, the Supreme Court set forth numerous factors that officers can take into account in the formation of reasonable suspicion, and it held that officers need to assess these facts in light of their experience. Nonetheless, a clear

distinction was drawn by the Court between stops and questioning based upon reasonable suspicion and merely believing that individuals appeared to be Mexican. Simply appearing Mexican does not justify interfering with individual liberty interests.

Richard Janikowski

See also Consumer Racial Profiling; Profiling, Racial: Historical and Contemporary Perspectives

Further Readings

Almeida-Sanchez v. U.S., 413 U.S. 266 (1973).
Soltero, C. R. (2006). *Latinos and American law: Landmark Supreme Court cases*. Austin: University of Texas Press.
Terry v. Ohio, 392 U.S. 1 (1968).
United States v. Brignoni-Ponce, 422 U.S. 873 (1975).
United States v. Martinez-Fuerte, 428 U.S. 543 (1976).
United States v. Montoya de Hernandez, 473 U.S. 531 (1985).

United States v. Wheeler

The U.S. Supreme Court, in *United States v. Wheeler* (1978), highlighted the continuing problems concerning race, justice, and equal protection in the U.S. criminal justice system. The case involved a member of an Indian tribe and the question of double jeopardy. The entry begins with a review of the facts in the case, which is followed by the effects of the decision on Indians.

The Facts

The defendant, Anthony Wheeler, was a member of the Navajo Indian tribe and resided on a reservation in Arizona. He apparently had sex with an underage minor who was also a Navaho Indian. Wheeler was arrested by the tribal police. In the Navajo Tribal Court, he pled guilty to disorderly conduct and contributing to the delinquency of a minor, in violation of the Navajo Tribal Code. He was sentenced to 15 days in jail or a fine of $30 on the first charge and sentenced to 60 days in jail or a fine of $120 on the second charge.

More than a year later, Wheeler was indicted by the grand jury for the U.S. District Court for the District of Arizona with the crime of statutory rape under the federal Major Crimes Act, based on the same events that formed the basis of his convictions in the Navajo Tribal Court. The defendant moved to dismiss the charge under the double jeopardy clause, as he had already been convicted of contributing to the delinquency of a minor, which was a lesser included offense of statutory rape. The motion to dismiss was granted by the district court. The U.S. Court of Appeals for the Ninth Circuit affirmed the dismissal. The matter was appealed to the U.S. Supreme Court, which accepted certiorari.

The U.S. Supreme Court reversed the court of appeals' decision. The Supreme Court recognized that Indian tribes retained some limited degree of sovereignty, although they were not totally independent from the United States. Indian tribes had the power and authority to regulate and prosecute criminal conduct between tribal members, although they did not have the power or authority to address the criminal behavior of nontribal members, who were subject to punishment under the law of the United States. Tribal members thus were subject to prosecution under both the tribal law and the law of the United States, whereas a non-Indian would not be subject to such dual prosecution. Thus, the Supreme Court ruled that the indictment against the defendant was properly brought.

The basis for this ruling was the dual sovereign doctrine. Under this doctrine, a person can be punished for the same act under both state and federal law, as the states are separate sovereign entities from the United States. A well-known example is the beating of Rodney King, in Los Angeles, in which the police were exonerated in state proceedings but were convicted in federal proceedings for violating King's civil rights. The U.S. Supreme Court held that the Navajo tribe had sufficient independence to be considered a separate sovereignty entity such that the defendant could be punished for the same act under both tribal law and federal law.

Effect of the *Wheeler* Ruling

In addition to subjecting the defendant to additional punishment for the same act, the decision in *Wheeler* also highlighted the fact that a nontribal member would not have received this type

of double punishment. The Indian tribes have no criminal jurisdiction over non-Indians (see *Oliphant v. Suquamish Indian Tribe*, 1978). It is interesting to note that in the decision of *Lara v. United States* (2004), the U.S. Supreme Court ruled that it was permissible to criminally prosecute a nonmember Indian who belonged to a different tribe.

Although the Supreme Court recognized the political and social differences between tribal members and nontribal members, it failed to recognize that these differences were fundamentally based on race, even though tribal membership is itself a racial classification. Yet in *United States v. Antelope* (1977), the U.S. Supreme Court rejected an equal protection claim in similar circumstances based on race discrimination. Critics of *Wheeler* thus argue that the double punishment Wheeler received was a form of racial discrimination. They point out, too, that while the doctrine of dual sovereignty is not discriminatory on its face, its effects may nevertheless have discriminatory effects.

William C. Plouffe, Jr.

See also Discrimination–Disparity Continuum; Indian Civil Rights Act; Native American Courts; *Oliphant v. Suquamish Indian Tribe; United States v. Antelope*

Further Readings

Berger, B. R. (2005). Justice and the outsider: Jurisdiction over nonmembers in tribal legal systems. *Arizona State Law Journal, 37,* 1047.

Burleson, E. (2007). Tribal, state, and federal cooperation to achieve good governance. *Akron Law Review, 40,* 207.

Lara v. United States, 541 U.S. 193, 124 S.Ct. 1628, 158 L.Ed.2d 420 (2004).

Oliphant v. Suquamish Indian Tribe, 435 U.S. 191, 98 S.Ct. 1011, 55 L.Ed.2d 209 (1978).

Seibert, A. L. (2003/2004). Who defines tribal sovereignty? An analysis of *United States v. Lara*. *American Indian Law Review, 28,* 393.

Stapleton, W. (1997). Indian Country federal justice: Is the exercise of federal jurisdiction under the Major Crimes Act constitutional? *Arizona State Law Journal, 29,* 337.

United States v. Antelope, 430 U.S. 641, 97 S.Ct. 1395, 51 L.Ed.2d 701 (1977).

United States v. Wheeler, 435 U.S. 313, 98 S.Ct. 1079, 55 L.Ed.2d 303 (1978).

Universal Negro Improvement Association

The Universal Negro Improvement Association (UNIA) and African Communities League was history's first Black empowerment movement of massive proportions, with its apex occurring in the United States during the 1920s. The organization still exists today, but it experienced a dramatic decline in membership following the 1923 mail fraud conviction of its leader, Marcus Mosiah Garvey. Garvey's conviction, imprisonment, and subsequent deportation to Jamaica were significant barriers to the establishment of a permanent African homeland for the unification of all people of African descent scattered about the globe by the African Diaspora. The movement's original goals included racial purity, economic and political independence, as well as the general uplift of the Negro race. The importance of the UNIA to Black history and the unfair prosecution of the organization's founding leader are the reasons for its inclusion in this volume. This entry covers the life cycle of the UNIA from its inception, providing a timeline of important events in the early development of the organization. Also discussed are the organization's ideology, goals, membership commitment, and founding leadership.

Life Cycle

The UNIA was founded in Jamaica, the West Indies, in 1914 by Garvey, along with the help of Amy Ashwood, the woman who would later become his first wife. By 1916, Garvey had arrived in New York City and began organizing a UNIA branch in Harlem. From 1916 to 1917, Garvey undertook a speaking tour of the United States, stirring up pride in his audiences in 38 states, giving them hope for African redemption and a sovereign African state with which to identify. Garvey's philosophy became known as Garveyism and his followers gained recognition as Garveyites. In 1918, Garvey began publishing *The Negro World,* the UNIA's weekly newspaper, which would later reach a readership of possibly 200,000 and be published in Spanish and French as well as English. Garvey wrote weekly front page editorials for the paper. In 1919, Garvey formed the Negro Factories Corporation, whose $5 shares

financed Black businesses, including grocery stores, restaurants, a printing plant, a millinery store, and a steam laundry in New York City. At about the same time, the Black Star Line steamship company was established for commercial trade and to provide passage from the United States to the Caribbean, South America, and African countries (primarily Liberia) that did not carry with it the Jim Crow treatment of the existing White-owned passenger liners. The Black Star Line was also a symbol for the Back-to-Africa plan envisioned by Garvey. The plan was for a portion of followers to settle in Liberia. Although the Black Star Line was able to purchase three ships, the vessels were in poor shape, Garvey had overpaid for them, and the company was plagued with incompetence, mismanagement, and financial problems. In spite of the Black Star Line's troubles, the UNIA was approaching its highest point of membership. In 1919, Garvey claimed to have had more than 2 million members dispersed over 30 branches. In 1920, while claiming 4 million members worldwide, the UNIA held its first International Convention, attracting a crowd of 25,000 (including the mayor of Monrovia, Liberia). At the 1920 convention in New York's Madison Square Garden, the UNIA drew up a document known as the Declaration of Rights of the Negro Peoples of the World, which called for all nations to respect the rights of Negroes everywhere.

The Bureau of Investigation (later known as the Federal Bureau of Investigation), through a young, ambitious J. Edgar Hoover, had been pursuing Garvey for several years. While the U.S. government had hoped to prove Garvey and the UNIA's activities seditious, it resorted to a mail fraud indictment in 1922. The only charge Garvey was convicted of involved the fraudulent sale of five shares of stock to one stockholder. The photo on the stock brochure sent through the mail had misrepresented Black Star Line ownership of a particular ship that the company was still negotiating to buy. By 1923, the year of Garvey's trial and conviction, legal entanglements brought about the near-demise of the UNIA. In 1924, the Liberian government ordered its ports closed to any Garveyites and turned away the UNIA expedition that arrived there. Land that the Liberian government had originally promised to the UNIA was instead leased to the Firestone Rubber Company. It is believed that the United States pressured Liberia to make this change.

After a failed court appeal, Garvey was incarcerated in 1925. In 1927, President Calvin Coolidge commuted his sentence. Upon his release, Garvey was deported to Jamaica. In Jamaica, Garvey had two sons with his second wife, Amy Jacques (his former personal secretary, whom he had married in 1922). During these years in Jamaica, Garvey held local office and tried to revive the UNIA. Garvey died of a stroke in London in 1940. In 1964, he was declared Jamaica's first national hero. The UNIA has had a number of successors to Garvey, including his son, Marcus, who headed the organization from 1993 to 2004. The junior Garvey was succeeded by Redman Battle. As the UNIA was a leader-dominated movement, it never really gained back the momentum it had lost with the senior Garvey's departure.

There have been attempts to posthumously exonerate Garvey, the most recent being that of U.S. Congressman Charles Rangel (whose district includes Harlem). Rangel's 2007 House Resolution requested a presidential pardon and declaration of innocence for Garvey. Garvey's legacy remains strong in the self-pride he instilled in many. Garveyism's influence on Black separatism and Black Nationalism is seen in subsequent movements such as the Black Muslims and especially in Rastafarianism. Black Muslim leader Malcolm X had grown up in a Garveyite household, as his father was a UNIA member. Rastafarians acknowledge Garvey in reggae lyrics and regard Garvey as a prophet who foresaw the crowning of a Black king in Africa.

Ideology and Goals

Garveyism rested on the following beliefs: Black separatism, Black Nationalism, Pan Africanism, and anticolonialism. Garvey and the prevailing conditions in the United States convinced many Black Americans that they would never be accepted by Whites as equals. Their only solution to disparities and mistreatment was to seek political and economic independence, along with racial purity. Garvey instilled in his followers a sense of

importance and pride in their race, by exalting Blackness and viewing God as Black. Geographic secession was not necessary for all American Blacks. Those who would repatriate to a liberated nation in Africa would stand symbolically for their Black brethren around the world. As provisional president of Africa (a post to which Garvey was elected at the 1920 UNIA International Convention), Garvey would seek the liberation of Africa from colonial rule.

Membership Commitment

In the early years, dues were 35 cents per month. Today, members join for $5 and pay monthly dues of $2. Garveyism in its heyday was characterized by grand displays, including rallies, parades, and public speeches with pageantry and pomp. Marchers are believed to have numbered in the thousands, with countless others turning out to line the streets or watch through open apartment windows along the route. Esprit de corps was enhanced by UNIA songs and the organization's motto, "One God! One Aim! One Destiny!" To anchor a member's identity to the movement, Garvey provided his followers with such symbols as a national anthem, flag (of red, green, and black), and a constitution. UNIA meetings had a quasi-religious tone to them, opening with a prayer and including hymns. While many historians have ignored the religious significance of Garveyism, Randall Burkett has devoted attention to the theory that Garvey had endeavored to start a civil religion through the UNIA.

While the primary reason for joining the UNIA was the belief in the movement's goals, there were secondary rewards for participation in the form of uniforms, honorific titles, and ranks in the various auxiliaries of the organization, some of which were paramilitary. These groups included the Universal African Legion, African Black Cross Nurses, Universal Motor Corps, Royal Guards, Royal Engineering Corps, Royal Medical Corps, and others. Another secondary reward for participation was the opportunity to have stock holdings. Individuals could purchase stock certificates in the Negro Factories Corporation and in the Black Star Line for $5 per share. Historians do not agree upon the number of members the movement had in Garvey's day. In addition to dues-paying members, there were those who identified with the movement and lent support. When Garvey was deported under what many consider questionable conditions, a large number of members dropped out. For others, their commitment to the movement was strengthened by their belief in Garvey's martyrdom.

While Garvey had insisted on allegiance to him, there had been some disloyalty among those who at one time had been closest to him. At about the time that Ashwood's marriage to Garvey was being dissolved, she is believed to have offered to help the federal authorities with their case against Garvey. Another example of disloyalty was the case of the Reverend James W. H. Eason. At one time Eason had been Garvey's second in command, having been elected at the 1920 convention as the Leader of American Negroes. But only 3 years later, no longer a member of the UNIA, he was slated to be the prosecution's chief witness in Garvey's trial. During this time, Eason was murdered in New Orleans. The accusation against two UNIA officials for the murder was damaging to the organization, even though the two were later acquitted.

Leadership

The grassroots rise of Garveyism and the UNIA is best explained by a conjuncture of both Garvey's own personal frustration experienced at the bottom of a three-tiered color structure in Jamaica and the frustration, second-class citizenship, lynchings, and race riots experienced by American Blacks during and following World War I. Although a proud descendant of the Maroons (Jamaica's escaped African slaves), Garvey's dark skin placed him beneath the mulattoes (who were in the middle) and Whites (who were at the top) in Jamaica's color scheme. His primary appeal in the United States was to dark-skinned working-class and lower-class Blacks who were not able to relate to the prevailing elitist light-skinned Black leadership. W. E. B. Du Bois, the Harvard-educated Ph.D. and editor of the National Association for the Advancement of Colored People's publication, the *Crisis,* became

Garvey's chief foe and pressured the government to stop him.

Garvey was charismatic and visionary. As a theorist, he rewrote Black history, proposed a separate economy for Black businesses, and envisioned a Black separatist colony in Africa. As an orator, Garvey gained adherents among the downtrodden Blacks who were ripe for his message. In his efforts to inspire his followers, he offended other Black leaders like Du Bois and A. Philip Randolph, publisher of the *Messenger*. Du Bois and Randolph considered Garvey to be impractical and an embarrassment to his race. They were not impressed with his gaudy uniform and feathered hat worn at UNIA parades. Garvey's alliance with the Ku Klux Klan, particularly a meeting he had in Atlanta in 1922 with high-ranking Klan official Edward Young Clarke, infuriated Du Bois and Randolph. While Garvey saw an alliance with White supremacists as a strategy to further a shared stance against miscegenation, other Black leaders regarded Garvey as a race traitor for this move. In the end, Garvey's enemies helped to bring about his downfall. However, in the eyes of those who believe Garvey suffered for the cause, he has become a martyr.

Joan Luxenburg

See also Black Panther Party; Colonial Model; Nation of Islam; Rastafarians

Further Readings

Burkett, R. K. (1978). *Garveyism as a religious movement: The institutionalization of a Black civil religion*. Metuchen, NJ: Scarecrow.

Cronon, E. D. (1969). *Black Moses: The story of Marcus Garvey and the Universal Negro Improvement Association* (Rev. ed.). Madison: University of Wisconsin Press.

Hill, R. A. (Ed.). (1987). *Marcus Garvey, life and lessons: A centennial companion to the Marcus Garvey and the Universal Negro Improvement Association papers*. Berkeley: University of California Press.

Martin, T. (1976). *Race first: The ideological and organizational struggle of Marcus Garvey and the Universal Negro Improvement Association*. Westport, CT: Greenwood.

U.S. Department of Justice, Office of Civil Rights

The U.S. Department of Justice (DOJ), Office of Civil Rights, also known as the Civil Rights Division (CRD), is the division within the Department of Justice charged with enforcing federal laws prohibiting discrimination based upon race, sex, religion, disability, and national origin. As such, the Office of Civil Rights investigates and prosecutes racially motivated crimes and violations, such as unfair housing practices and hate crimes. The division has been responsible for numerous significant prosecutions of race crimes from its inception to the present time. Recently, the division has seen an increased caseload, even in the face of budget constraints. Some organizations, such as the American Civil Liberties Union (ACLU), as well as the U.S. Congress, criticize the division for not doing enough to ensure that civil rights laws are adequately enforced.

The U.S. Department of Justice, which is headed by the attorney general of the United States, is composed of numerous divisions, each with its own area of responsibility, such as the Criminal Division, Tax Division, Anti-Trust Division, and Civil Rights Division, among others. The CRD was established in 1957 and is headed by an assistant attorney general, who is appointed by the president of the United States. The CRD is the only division within the DOJ to handle both civil and criminal law violations. The CRD is divided into 10 sections, each with its own specialty. These sections include the appellate section, the disability rights section, the educational opportunities section, the employment litigation section, the housing and civil enforcement section, the voting section, the criminal section, the special litigation section, and others.

The legal framework in which the CRD operates was created by the 1964 Civil Rights Act. Although some civil rights and antidiscrimination laws existed prior to the passage of this act, the 1964 Civil Rights Act was the genesis of combined civil and criminal legal remedies against racial, and other, discrimination. This bill, which was signed into law by President Lyndon Johnson on July 2, 1964, prohibited unequal application of

voting rights; banned discrimination in public places, such as restaurants and theaters; authorized the withdrawal of federal funds from programs that practiced discrimination; and barred discrimination in businesses employing more than 25 people.

From the 1964 Civil Rights Act and other legislation, the CRD enforces several laws relating to race. Title 18, Section 241, of the U.S. Code makes it illegal for two or more people to conspire to injure, threaten, or intimidate another person who is freely exercising his or her rights as guaranteed by the U.S. Constitution. Persons in official positions, such as police officers and judges, can be prosecuted under Title 18, Section 242, if they use their official influence to deny a person his or her rights under U.S. laws. Title 18, Section 245, makes it illegal to intimidate or injure a person, based upon race, because of that person's activity in a public school, program of state or local government, labor union, jury service, or public accommodation. Title 42, Section 3631, makes it illegal to deny a person a right to fair housing based upon race. In addition, the CRD enforces numerous laws relating to forced labor and human trafficking. Depending on the circumstances of the crimes, punishment can range from probation up to life imprisonment or death.

The CRD receives complaints from citizens or is referred cases from federal agencies such as the U.S. Department of Education or U.S. Department of Housing and Urban Development. However, most criminal violations prosecuted by the CRD are investigated by the Federal Bureau of Investigation (FBI).

The criminal section of the CRD handles the division's criminal prosecutions. The criminal section's earliest investigations and prosecutions involved the murder of minorities and civil rights workers in the South during the 1960s. These have included the assassination of Martin Luther King, Jr., and Medgar Evers, the fatal shootings of students at Kent State University in Ohio, and the deaths of three civil rights workers in Mississippi, which was the basis for the film *Mississippi Burning*. Two new priorities were established after 2000 to address more recent race-based crime. The first focused on the widespread problem of human trafficking. The second focused on "backlash" discrimination, which was an increase in violence and other forms of discrimination against Arabs, Muslims, and others after the September 11, 2001, terrorist attacks.

The special litigation section of the CRD also handles race-based crime matters. These issues include the conditions of jails and prisons and the conduct of law enforcement agencies. The CRD is empowered to seek civil remedies for violations based upon race. These remedies can include civil fines and injunctions to cease or limit civil rights violations, such as mandating the hiring of more minority police officers or ensuring equal access for all inmates to prison programs.

Since 1990, the number of civil rights complaints filed in U.S. district courts increased from approximately 18,000 to more than 40,000 in 2000. During 2007, the criminal section set a record by convicting 189 defendants for civil rights violations, the most ever in its history. Between 2001 and 2007, the CRD convicted 391 defendants for official misconduct, representing a more than 50% increase over the 256 defendants who were convicted between 1994 and 2000. One hundred twenty-two defendants were prosecuted for human trafficking between 2001 and 2004. During that same time period, the CRD investigated more than 500 incidents of 9/11 backlash discrimination, which resulted in the conviction of 18 defendants.

Critics claim that the CRD does not do enough to sufficiently protect civil rights. In 2005, the U.S. Commission on Civil Rights reported that Congress often appropriated less money for the CRD than requested by the president. An investigation in 2003 found that the CRD employed only two African American attorneys; the same number since 1978, even though the entire CRD staff size more than doubled during that time. In 2007, the ACLU criticized DOJ for diverting CRD resources to taking on smaller, easier cases that have no real impact on securing civil rights.

The U.S. Department of Justice, Office of Civil Rights, was created to ensure equality for all members of society, especially for those most susceptible to discrimination. Although discrimination in voting, housing, and education is addressed by this branch of the federal government, its most important work is done in the area of racially

motivated crimes. Throughout its existence, the Office of Civil Rights has attempted to secure racial justice through the investigation and prosecution of race-based crimes, from the atrocities committed against civil rights workers in the 1960s to the backlash discrimination after September 11, 2001. In spite of varying levels of criticism, it is expected that this office will continue to adapt its priorities to combat new and emerging race-based crimes.

Todd F. Prough

See also Hate Crimes; Human Trafficking; Racism

Further Readings

Bureau of Justice Statistics. (2000). *Civil rights complaints in U S. District Courts, 1990–98* (NCJ 173427). Washington, DC: U.S. Government Printing Office.

U.S. Commission on Civil Rights. (2005). *Funding federal civil rights enforcement: The president's 2006 request.* Washington, DC: Author.

U.S. Department of Justice, Civil Rights Division. (2007). *Civil rights activities and programs* (2006 ed.). Retrieved from http://www.usdoj.gov/crt/activity.html

U.S. House of Representatives, Committee on the Judiciary. (2004). *Civil Rights Division of the U S. Department of Justice.* Hearings of the 108th Congress. Washington, DC: U.S. Government Printing Office.

Vera Institute of Justice

The Vera Institute of Justice (VERA) is a nonprofit independent organization based in New York. The institute originated in the early 1960s when a project initiated by Louis Schweitzer and Herb Sturz assessed an unjust bail system in New York City as one in which people with higher incomes were often more able to secure bail than were lower-income people. Their work led to the establishment of the Vera Institute, named for Schweitzer's mother, to continue the investigation of related issues of injustice. For more than 40 years, Vera has produced neutral, unbiased, innovative research reports by individuals with diverse backgrounds and specializations. Vera's goal is to make justice systems in the United States and other countries more effective, humane, and fair. Vera has published numerous research reports on race and crime topics that include troubled youth, prison populations, and racially biased practices within the legal system. This entry describes Vera's first project, how the organization operates, and some of its research and projects.

The first Vera project, known as the Manhattan Bail Project, showed that people accused of a crime who are too poor to pay bail but have strong bonds within their community are able to be released and still appear at their trials, thus reducing costs and lowering the interference in innocents' lives. In 1961, Schweitzer and Sturz worked closely with criminal justice leaders to examine injustice in the New York City bail system, develop a solution, and test their findings. After Schweitzer and Sturz tested their findings on a small scale, city government officials implemented a major reform to the bail system. The alternative to bail changed the manner in which judges approach decisions on bail in New York City and eventually nationwide.

Vera partners with local, state, federal, national, and international officials in seeking reforms in the criminal justice system. The organization operates with a set structure of guidelines when working to develop projects to implement in the criminal justice system. First, the members identify a national issue that requires research attention and attempt to come up with innovative ideas to resolve it. This idea usually inspires the creation of a practical experiment or suggestions for improvement and rational reform. Demonstration projects by Vera researchers test potential solutions on a small scale. The completion of such projects takes at least a year. Vera strives to seek solutions to persistent problems by conducting evidence-based and empirically sound research performed by a cadre of social science and criminal justice researchers. Its findings include information on the demonstration projects as well as the financial and political implications of implementation of similar projects in other cities.

Findings from Vera's research projects are intended to be used by government officials as a tool to implement change in those areas where social sciences and the criminal justice system intersect. Vera's aim includes efforts to replicate instituted programs on national and international levels, though the replicated designs vary. It is

important to note that Vera researchers are not advocates and that they partner with governmental officials to advance reforms.

Programs

Vera has three main centers, which focus on immigration and justice, sentencing and corrections, and youth justice.

Immigration and Justice

Vera's Center on Immigration and Justice focuses on issues dealing with immigrants and their families. Since September 11, 2001, relations between law enforcement and Arab Americans have become a core issue. Vera has since published the results from 2 years of research in a report titled, *Building Strong Police-Immigrant Community Relations After September 11th, 2001: Engagement in a Time of Uncertainty* (2006). The report highlights the fear of intrusive federal practices and policies among Arab Americans and provides recommendations to restore trust and form alliances to reduce crime and concerns on terrorism.

Sentencing and Corrections

The Center on Sentencing and Corrections uses a multifaceted approach to advance sentencing and corrections program reform, utilizing research in the field to help identify emerging issues and trends that may provide solutions for criminal justice professionals and government officials who need assistance in developing cost-effective strategies that are most likely to protect the public's safety. Two of Vera's core areas of concern involve the high recidivism rates of offenders and the disproportionality of minorities, particularly African Americans, in the prison population. In 2006, Vera produced two major reports dealing with sentencing and corrections: *Confronting Confinement* and *Assessment of Inmate Prison Population Characteristics and Jail Management Processes in Hamilton County, Ohio*. The latter report examined racial characteristics of inmates to identify disparities.

Youth Justice

The Center on Youth Justice assists in reforming and/or improving local and state government's current juvenile justice system via research, technical assistance, and planning services. The center seeks to help implement reforms that prevent youths who have entered the juvenile justice system from being institutionalized; rather, Vera aims to attach services that will affect the juvenile as well as his or her family within the home setting. It also seeks to advance rational decision making within the process of the juvenile justice system.

Other Programs

The Vera Institute also has other programs and projects that deal with justice issues but are not within the scope of the aforementioned centers. One program is the Prosecution and Racial Justice (PRJ) project. This project strives to guard citizens against racially biased practices within the legal system. The project has collaborated for 3 years with district attorneys located in three jurisdictions within the United States to track and identify race-based indicators and patterns that suggest inappropriate racially or ethnically based disparities in treatment and decision making at important stages that affect the end result of criminal cases, particularly for Latinos and African Americans. Other projects assist various disenfranchised or indigent groups of people and provide knowledge of and access to fair treatment within the justice system.

Lindsey Kane

See also Delinquency Prevention; Immigrants and Crime; Juvenile Crime; Police Use of Force; Prisoner Reentry; Sentencing Disparities, African Americans; Sentencing Disparities, Latina/o/s

Further Readings

Vera Institute of Justice. (2006). *Assessment of inmate population characteristics and jail management processes in Hamilton County, Ohio*. New York: Author. Retrieved January 2, 2009, from http://www.hamiltoncountyohio.gov/administrator/bsi/jail/D%20-%20Vera%20Assessment.pdf

Websites

Vera Institute of Justice: http://www.vera.org

Victim and Witness Intimidation

Victim or witness intimidation is the practice of threatening, harming, or otherwise instilling fear in a victim of, or witness to, a crime, in an effort to prevent him or her from reporting a crime or testifying in court. It may also be used to convince a victim or witness to recant testimony that has already been made. The intimidation may involve physical violence, explicit threats of physical violence, implicit threats, and/or property damage. Threats may be made by the defendant or by his or her friends, family, fellow gang members, or other associates. Most victim and witness intimidation takes place in time either between the defendant's arrest and his or her trial or during the trial, in the courtroom.

The current practice of victim and witness intimidation can be categorized into two broad types. *Overt intimidation* takes place when a witness or victim or his or her family or friends are harmed or threatened explicitly, often in connection with a specific case. *Implicit intimidation* occurs when there is a legitimate but unexpressed threat of harm. In communities with high rates of gang or drug activity, actual threats may not need to be made. It may simply be understood that cooperation with criminal justice authorities will result in retaliation, and this may be sufficient to create a pervasive atmosphere of fear and silence.

Prevalence

Estimates of the prevalence of victim and witness intimidation vary widely. A 1990 study conducted by the Victim Services Agency (VSA) in the Bronx, New York, found that 36% of 260 victims who were interviewed reported having been threatened; the figure was higher (54%) for those who had romantic or blood ties to the offenders. A 1980 VSA study in Brooklyn found that 39% of witnesses who were surveyed feared revenge and that 26% of 295 witnesses had been threatened. More recent surveys of prosecutors have found that victim and witness intimidation is suspected in upward of 75% of crimes committed in gang-dominated neighborhoods, and that the practice is increasing in frequency. According to *New York Times* reports, at least 19 witnesses were killed in New York City from 1980 to 2003. The British Crime Survey has found lower estimates of victim and witness intimidation in the United Kingdom than in the United States.

Researchers have found that victim or witness intimidation is more likely to occur in cases where guns, gangs, or serious violence is involved, the defendant has a personal connection to the witness, and/or the defendant and witness live in close proximity. The elderly, children, physically or mentally handicapped persons, and recent or illegal immigrants are especially vulnerable. Victim intimidation is also common in cases of domestic violence.

Victim and Witness Intimidation in Minority Communities

Community-wide implicit victim and witness intimidation has become particularly severe and widespread in neighborhoods dominated by gangs and drugs, including many predominantly African American and Latina/o inner-city areas. Asian gangs also engage in intimidation. A well-known example of implicit intimidation is a grassroots campaign known as "Stop Snitchin'," which began in Baltimore around 2004 and quickly spread to other urban areas by several means, including CDs and DVDs, websites, T-shirts, and rap lyrics. The movement's purpose is to urge community members not to cooperate with criminal justice authorities, and to remind them that "snitches wear stitches." Gang members have appeared in courtrooms wearing Stop Snitchin' T-shirts, provoking efforts to ban the shirts by judges and political officials. The success of the Stop Snitchin' movement can be attributed in part to some community members' anger regarding the high rate of incarceration among minority men, frustration over criminal justice authorities' use of informants from the community and jails or prisons to facilitate the prosecution and incarceration

process, and general mistrust of law enforcement officials, who often do not provide adequate protection for those who do cooperate and sometimes reward unreliable informants with leniency in prosecution or sentencing. The Stop Snitchin' mantra is redolent of the Italian Mafia's centuries-old code known as *omertà*, an oath of silence prohibiting cooperation with the authorities under any circumstances.

The culture and attitudes surrounding rap and hip hop music have perpetuated the practice of victim and witness intimidation and the implicit code of silence. Some well-known rap artists have refused to cooperate in criminal cases in which they or their friends or members of their entourages were victims or suspects. Other popular rappers have produced songs urging listeners not to speak with the police. The murders of several rap and hip hop stars, including Tupac Shakur, the Notorious B.I.G., and Jam Master Jay from Run D.M.C., remain unsolved because of witnesses' unwillingness to violate the "code of the street" by speaking to the police or testifying in court.

Consequences

The continuing practice of victim and witness intimidation has widespread and serious consequences. Witness intimidation forces prosecutors to drop or lose cases, often despite the fact that the crimes in question may have been observed by numerous bystanders and a suspect identified with certainty. It permits offenders to remain free and to continue committing crimes. It prevents victims and their families from experiencing closure or regaining a sense of security. It undermines confidence in law enforcement officials and criminal justice authorities by revealing the extent to which criminals and their associates exert control over the streets and even over the criminal justice process. Drug and gang activity and violent crime may continue unchecked and escalate when victims and witnesses are unwilling or afraid to cooperate with officials.

As a result of the inability to secure witness testimony or ensure the safety of those who do testify, some prosecutors now use civilian testimony only very rarely. Instead, their cases rely more heavily on evidence from sources such as police testimony, video surveillance, and sting operations. Infortunately, without witness testimony, prosecutors are often unable to proceed with cases involving powerful gang members or drug dealers suspected of serious offenses such as homicide, assault, or kidnapping.

Policy Responses and Remedies

Many efforts have been made, with limited success thus far, to prevent victim and witness intimidation. Approaches include requesting high bail or pretrial detention of defendants, aggressive prosecution of those accused of tampering with witnesses, and providing information, protection, relocation, material support, and other services to witnesses.

Pretrial detention of defendants has limited effects on victim and witness intimidation, because threats are often made and carried out by parties other than the defendant. This is particularly true in cases involving gang members. Although witness tampering and obstruction of justice are illegal, these crimes are not always punished. Some jurisdictions have made efforts to prosecute or revoke the probation or parole of those who threaten or harm witnesses or attempt to influence their testimony. Efforts have also been made in some states to increase penalties for those offenses.

The proactive management of witnesses is essential to reduce intimidation and its consequences. Some law enforcement agencies have encouraged victims and witnesses to file reports at the police station rather than at the scene of a crime, so their cooperation with the authorities will be less obvious. Some police officers have even led witnesses away from crime scenes in handcuffs to conceal their role in the process. Greater availability of 'round-the-clock, confidential, or even anonymous avenues for crime reporting would allow witnesses and victims to speak up with less fear of retaliation.

Witness relocation programs are sometimes used in criminal cases when victim or witness intimidation is a problem. Witnesses are commonly relocated temporarily to hotels or motels in undisclosed locations, or are asked to stay with relatives or friends outside their neighborhood before or during a trial. More rarely, they may be housed in a hotel or motel for a longer period of time, provided a nominal sum of money for

moving expenses, or given assistance moving from one public housing development to another. The success of these approaches depends largely on the witnesses' ability to refrain from returning to their old neighborhoods or reestablishing communication with former contacts while they remain at risk. Due to resource constraints, district attorneys usually cannot provide sustained financial support for permanent relocation or 24-hour police protection of witnesses. Incarcerated witnesses, often disparagingly labeled "jailhouse snitches," can be protected by being separated from the defendant and his or her known associates who are held in the same facility or by being moved to a different correctional institution. Incarcerated relatives or friends of nonincarcerated witnesses may require similar protection.

Judges have taken steps such as prohibiting the use of cell phones to take photographs or send text messages in the courtroom and banning Stop Snitchin' shirts from courthouses. Removing or barring spectators from courtrooms is not commonly used because it conflicts with the defendant's right to a public trial and might increase the likelihood that a conviction would be overturned on appeal. Likewise, the use of videotaped testimony from victims and witnesses conflicts with the defendant's right to cross-examine witnesses and therefore is usually not used.

Other approaches that have been taken to reduce courtroom intimidation include escorting witnesses to and from court appearances, allowing witnesses to be "on call" rather than making unnecessary trips to court, providing separate waiting areas for defendants and witnesses, arresting gang members entering the courtroom if they have outstanding warrants or are in violation of the terms of their probation by associating with other known gang members, and filling courtroom audiences with members of community support groups to counterbalance the influence of spectators who side with the defendant.

Reducing community-wide intimidation is clearly very difficult. Relatively new approaches to combating victim and witness intimidation include the use of federal racketeering laws, formerly used mainly in organized crime cases, to prosecute street gang members. This method allows for use of the federal witness protection program and more severe penalties, including federal prison time, for those who are convicted. Some prosecutors' offices have introduced the practice of "vertical prosecution," where the same attorney or team follows a case from beginning to end; among other benefits, this can make it easier to maintain contact with witnesses, who may otherwise abscond. Assignment of police officers or prosecutors to multiple cases involving the same community or gang can also promote the development of expertise and relationships. Increased application of injunctions, civil suits, local ordinances, and other legal remedies has also played a role in broader efforts to reduce gang activity. Innovations such as gang-tracking databases, crime-mapping software, and gun- or bullet-tracing technologies have also been used.

In addition to gang suppression measures, successful efforts to reduce community-wide intimidation also require criminal justice officials to establish and build relationships of trust with members of crime-ridden neighborhoods. This process can be initiated through increased community outreach and public relations efforts. Interagency cooperation and communication between prosecutors, law enforcement agencies (including the Federal Bureau of Investigation, the Bureau of Alcohol, Tobacco and Firearms, the Department of Housing and Urban Development, and other federal agencies), correctional authorities, code enforcement offices, social service organizations, public housing authorities, tenant associations, religious organizations, and community groups can enhance victim support and prevent intimidation. For example, one approach sometimes taken by district attorneys is *community prosecution,* where attorneys work closely with community policing units and form partnerships with neighborhood residents and local groups. Some police departments and prosecutors' offices have gang units whose role can be not only to arrest and prosecute gang members but also to develop in-depth understanding of local gangs and to try to build a positive rapport and earn the trust and respect of local youth. Greater efforts by criminal justice authorities and public officials to increase the public's awareness of available legal and social resources would help combat victim and witness intimidation as well.

Elsa Y. Chen

See also *Brown v. Mississippi*; Drug Cartels; Drug Dealers; Drug Trafficking; Jamaican Posse; Stop Snitching Campaign

Further Readings

Butterfield, F. (2005, January 16). Guns and jeers used by gangs to buy silence. *The New York Times*. Retrieved from http://www.nytimes.com/2005/01/16/national/16gangs.html

Davis, R. C., Smith, B. E., & Henley, M. (1990). *Victim/witness intimidation in the Bronx courts: How common is it, and what are its consequences?* New York: Victim Services Agency.

Elliott, R. (1998). *Vulnerable and intimidated witnesses: A review of the literature*. London: Home Office Research and Statistics Directorate.

Finn, P., & Healey, K. M. (1996). *Preventing gang and drug-related witness intimidation*. Washington, DC: National Institute of Justice.

Glaberson, William. (2003, July 6). "Lie or Die"—Aftermath of a murder; justice, safety, and the system: A witness is slain in Brooklyn. *The New York Times*. Retrieved from http://query.nytimes.com/gst/fullpage.html?res=9F05EFDE163DF935A35754C0A9659C8B63

Hampson, R. (2006, March 29). Anti-snitch campaign riles police, prosecutors; Is it a grass-roots backlash against criminals turned informers or intimidation? *USA Today*. Retrieved from http://www.november.org/stayinfo/breaking06/StopSnitchin06.html

Healey, K. M. (1995). *Victim and witness intimidation: New developments and emerging responses*. Washington, DC: National Institute of Justice.

Kocieniewski, D. (2007, March 1). With witnesses at risk, murder suspects go free. *The New York Times*. Retrieved from http://www.nytimes.com/2007/03/01/nyregion/01witness.html

Kocieniewski, D. (2007, November 19). Keeping witnesses off stand to keep them safe. *The New York Times*. Retrieved from http://www.nytimes.com/2007/11/19/nyregion/19witness.html

Powell, B., & Small, P. (2007, April 26). Hip hop code of silence envelops youths; Critics blame rap for some people's refusal to "snitch" on criminals. *Toronto Star*, p. A1.

Tarling, R., Dowds, L., & Budd, T. (2000). *Victim and witness intimidation: Key findings from the British Crime Survey*. London: Home Office Research, Development, and Statistics Directorate.

Whitman, J. L., & Davis, R. C. (2007). *Snitches get stitches*. Washington, DC: National Center for Victims of Crime.

Victimization, African American

African Americans have higher rates of victimization than any other race in the United States. The most basic definition of a *victim* is someone who has been harmed in some way; a crime victim, then, is an individual who has been victimized by a criminal. Criminologists historically have focused on criminals rather than on victims. With the recent advent of the field of victimology, more attention has been given to victims, although much of the early research focused on defining the ways in which victims had contributed to their own victimization. In the late 1960s, criminologists began to devote more attention to victims, particularly child abuse and domestic violence victims. However, it is only in recent years that criminologists have begun to devote more attention to African American victims. Fully understanding the plight of African American victims requires that consideration be given to six different areas:

1. The extent of victimization against African Americans
2. Patterns of victimization
3. Risk factors for victimization among African Americans
4. Consequences of victimization
5. Factors related to help-seeking behavior
6. Problems inhibiting understanding about the victimization of African Americans

Extent of Victimization Against African Americans

Table 1 shows the victimization rates of African Americans and Whites for several different offense categories, according to the National Crime Victimization Survey. The National Crime Victimization Survey is an annual survey conducted by the U.S. Department of Justice that assesses self-reported victimization among individuals 12 years of age and older in the United States.

Several patterns can be readily seen in these data. First, the overall rates of violence for African

Table 1 Number of Victimizations and Victimization Rates for Persons Ages 12 and Over by Type of Crime and Race of Victim

	White		*Black*	
Type of Crime	*Number*	*Rate*	*Number*	*Rate*
All personal crimes	4,190,620	20.9	846,730	28.7
Crimes of Violence	4,015,910	20.1	796,800	27.0
Completed violence	1,178,140	6.9	364,650	12.4
Attempted/threatened violence	2,837,780	14.2	432,150	14.7
Rape/sexual assault	124,930	0.6	61,980	1.8
Rape/attempted rape	83,170	0.4	32,210*	1.1*
Rape	37,950	0.2	28,680*	1.0*
Attempted rape[b]	45,220	0.2	3,630*	0.1*
Sexual assault[a]	41,760	0.2	19,770*	0.7*
Robbery	447,030	2.2	136,310	4.6
Completed property taken	253,280	1.3	127,800	4.3
With injury	106,250	0.5	28,690*	1.0*
Without injury	147,020	0.7	99,110	3.4
Attempted to take property	193,750	1.0	8,510*	0.3*
With injury	68,100	0.3	2,670*	0.1*
Without injury	135,650	0.7	5,840*	0.2*
Assault	3,443,950	17.2	608,510	20.6
Aggravated	757,950	3.8	225,480	7.6
With injury	219,920	1.1	85,100	2.9
Threatened with weapon	538,030	2.7	140,380	4.8
Simple	2,695,010	13.4	383,030	13.0
With minor injury	635,900	3.2	106,280	3.6
Without injury	2,060,110	10.2	276,760	9.4
Purse Snatching/Pocket Picking	174,700	0.9	49,930	1.7
Population Age 12 and Over	200,263,410	N/A	29,477,890	N/A

Source: U.S. Department of Justice (2006).

Notes: Rates are per 1,000 persons. Detail may not add to total shown because of rounding.

* Estimate is based on 10 or fewer sample cases.

N/A = Not applicable.

a. Includes verbal threats of rape.

b. Includes threats.

Americans tend to be higher than they are for Whites. In 2005, 27 out of 1,000 African Americans reported being victims of violence, compared to 20 out of 1,000 Whites. Among acts of completed violence (violent act was completed), the victimization rate for African Americans is 2 times higher than the victimization rate for Whites. Specifically, 12.4 out of 1,000 African Americans were victims of completed violence, as compared to 5.9 out of 1,000 Whites. For rape, the victimization rate for African Americans was 3 times higher than it was for Whites. Nearly 2 out of 1,000 African Americans were victims of rape, as compared to 0.6 out of 1,000 Whites. African Americans were also 3 times more likely than Whites to be victims of aggravated assaults with injury, and they were

2 times more likely than Whites to be threatened with a weapon. The robbery victimization rate of African Americans is also 2 times higher than it is for Whites. Some evidence suggests that African Americans are less likely than Whites to disclose their victimization experiences to authorities, so the victimization rate for African Americans could be higher than these data indicate.

African Americans are also overrepresented as victims of homicide. According to data from the U.S. Department of Justice, in murder cases in which the race of the victim was known in 2004, about half of the murder victims were White and about half were African Americans. Given that African Americans make up less than 20% of the population, it is clear that they are overrepresented as murder victims. Related to this finding, there is an unfortunate tendency among criminologists to stress that homicides are intraracial when considering the high rate of homicide victimization among African Americans. To point out that the victims were killed by members of their own race implicitly diminishes the importance of the fact that minorities have disproportionately higher homicide victimization rates.

Patterns of Victimization Against African Americans

In considering the victimization of African Americans, several patterns are noteworthy. First, in violent offenses and robberies, the use of a gun is common. Second, reported victimizations tend to increase in summer months. Third, many offenses are committed by offenders known to the victims. Fourth, there are distinct age patterns in African American victimization. The age differences between African American and White victims are presented in Table 2. Particularly noteworthy in the table is the significantly high victimization rate among younger African Americans. More than 60 out of 1,000 African American teenagers were victims of violence in 2005. This means that in a given year, 6% of African American teenagers are victims of violence. If one were to extend this over one African American's teenage years, during the ages of 12 to 19 (8 years), 48% of African Americans would be victims of violence. This means 1 in 4 African Americans will be victims of violence before they reach the age of 20.

Researchers focusing on elder abuse (e.g., crimes against older adults) have long recognized that underlying racial factors influence the experience of abuse among older persons. African Americans between the ages of 50 and 64 years are more likely than Whites in the same age group to be victims of violent acts. In all, 16.2 out of 1,000 African Americans between the ages of 50 and 64 were victims of violence, as compared to 10.6 out of 1,000 Whites in the same age group. Research shows that older African American women are less likely than older White women to be victims of property crime.

Risk Factors for Victimization

Various risk factors increase the likelihood of victimization. Common risk factors for youth violence have been identified in the literature (e.g., community support for drug use and crime, presence of gangs in the community, poor schools, family conflict, single-parent families). Many African Americans live in environments where many of these risk factors are present.

Taking this a step further, researchers have suggested that living in a disorganized community increases individuals' risks of victimization. Many urban neighborhoods with high rates of poverty and disorder characterize what researchers mean by a "disorganized neighborhood." In *Code of the Street,* sociologist Elijah Anderson argues that young people must adopt a certain standard of public behavior in order to be safe. The code of the street defines a set of expectations that are believed to make individuals safe. Looking tough and aggressive is central to this code. Eric Stewart and his colleagues considered whether African Americans who adopted this code were truly safer than young people who did not adopt the code. This research found that those who adopted the code, rather than being safer, were more at risk for victimization.

Criminologists have also suggested that the presence of capable guardians can prevent victimization. Somewhat supportive of this suggestion is Zina McGee's recent research showing that African American males are most at risk of being harmed by their peers "while traveling to and from school." In further considering the presence of capable guardians, some have argued that the presence of male role models can serve to protect

Table 2 Victimization Rates for Persons Ages 12 and Over by Race and Age of Victims and Type of Crime

Race and Age	*Total Population*	*Crime of Violence*	*Completed Violence*	*Attempted/ Threatened Violence*	*Rape/ Sexual Assaults*	*Robbery*		
						Total	*With Injury*	*Without Injury*
White								
12–15	13,082,800	39.9	11.7	28.2	1.0*	2.8	.8*	2.0*
16–19	12,788,770	42.3	13.9	28.4	2.7*	5.4	2.0*	3.4
20–24	16,207,550	49.0	14.4	34.6	1.2*	5.8	1.8*	4.0
25–34	31,335,920	22.4	6.7	15.8	0.3*	2.4	0.7*	1.7
35–49	53,731,450	17.4	5.2	12.1	0.6*	1.8	0.7	1.1
50–64	42,433,220	10.6	2.4	8.2	0.3*	1.4	0.7*	0.7*
65+	30,683,680	2.4	0.6*	1.7	0.0*	0.7	0.3*	0.4*
Black								
12–15	2,744,230	59.5	25.4	34.1	2.6*	8.4*	4.5*	3.9*
16–19	2,568,780	62.6	41.1	21.5	7.5*	16.6	1.6*	15.0
20–24	2,678,780	45.8	19.9	16.0	0.0*	6.4*	0.0*	6.4*
25–34	5,250,410	21.9	10.0	11.8	2.1*	3.9*	0.5*	3.4*
35–49	8,062,610	17.9	6.4	11.6	0.0*	3.2*	1.5*	1.7*
50–64	5,208,900	16.2	6.2*	10.0	2.8*	1.3*	0.0*	1.3*
65+	2,968,590	2.2	0.0*	2.2*	0.0*	0.0*	0.0*	0.0*

Source: U.S. Department of Justice (2006).

Note: Rate is per 1,000 persons in each age group.

* Estimate is based on 10 or fewer sample cases.

young people. According to criminologists Dina Rose and Todd Clear, one issue that arises in minority communities is that the criminal justice system's aggressive incarceration policies that remove minority males from their neighborhoods for extended periods of time further exacerbates the disorganization found in these communities. Ironically, while the proponents of these stiff criminal penalty statutes claim that the policies make society safer, by removing minority males (e.g., capable guardians) from their communities, the criminal justice system may actually place minorities at greater risk for victimization.

Consequences of Victimization

Criminologists and victimologists have devoted a great deal of effort to increasing understanding of the consequences of victimization. As with all racial and ethnic groups, studies of African American victims show that all forms of victimization have the potential to result in negative psychological outcomes, including problems with emotional development.

In terms of criminological consequences, there is a limited body of research pointing to the fact that being a victim at one stage in the life course may increase the likelihood that an individual becomes an offender later in life. This may be particularly problematic for African American males who experience different forms of victimization early in life and have few protective factors in their lives or communities.

In terms of victimological consequences, victimologists note that being a victim once increases the likelihood of being a victim on subsequent

occasions. One study by Gayle Wyatt found that African American females are more likely than White females to be repeat victims of sexual assault.

Another consequence of victimization has to do with the erosion of trust that occurs among victims. Erosion of trust occurs in two ways. First, Wyatt's research shows that African Americans are more likely than Whites to blame their current living situations for their victimization. On the one hand, this blaming process is a normal part of the victimization experience. Victims tend to assign blame so that they can, at least mentally, take control of their lives in the future and prevent victimization. On the other hand, this blaming process results in victims having less confidence in their communities.

An erosion of trust also occurs with regard to the way that minorities perceive public institutions. This erosion of trust in public institutions may be particularly significant for African American victims. Some have suggested that African Americans' victimization experiences help to explain why African Americans have more negative attitudes toward the police. A study by Thomas Priest and Deborah Carter of a sample of African Americans found that age, education, evaluations of neighborhood safety, assessments of police response time, and victimization worked together to influence perceptions of the police.

Help-Seeking Behavior by Victims

Decisions to seek help from formal social institutions vary by race. African American victims are less likely than White victims to report victimization and are less likely to seek help from various agencies. One of the reasons many African American victims choose not to seek help has to do with the African American community's lack of confidence in the police. Another barrier that African American victims face has to do with institutional racism in the criminal justice system, as well as the discriminatory practices that have been found to be common among different types of human services professionals. Janette Taylor has argued that African American females must confront problems of both racism and sexism when they call upon agents of formal institutions for help.

Several studies have found that African American victims experience different barriers to seeking help than do other racial groups. A study of domestic violence victims by Katherine Morrison and her colleagues found that African American victims perceived their social networks as being willing to provide instrumental support, but not emotional support. The victims also indicated that the African American community perceives victims of domestic violence as "stupid" for not leaving abusive situations. To some, this dynamic explains why African American victims report receiving less social support than other victims, as was the case in Gayle Wyatt's research. Because of the importance of social support in dealing with the negative consequences of victimization, Laura Salazar and her coauthors have suggested that African American violence intervention programs should "incorporate family, church, and other networks in the community to foster support" for African American victims.

Barriers to Understanding African American Victimization

There is a lack of awareness about, and understanding of, the plight of African American victims. This lack of understanding can be attributed to the following factors: conceptual issues; historical distrust of researchers; media influences; funding issues; and societal devaluing of African American victims. Each of these factors is considered in the following.

Conceptual Issues

First, in terms of conceptual issues, criminologists have narrowly defined victimization by focusing on *crime* victims from a legalistic perspective. What this means is that criminologists tend to focus on those behaviors that society, and politicians, define as crime. Consequently, crime victims are individuals who experience those crimes. Unfortunately, a number of harmful actions are not defined as criminal, or treated as criminal, and these actions disproportionately influence minorities. Discrimination, racism, unfair labor practices, systemic policies promoting poverty among minorities, and unequal access to health care are all harmful actions. As an academic discipline, however, criminology does not focus on institutional harms against minorities. The result is a lack of

understanding about the harms perpetrated against African Americans.

Distrust of Researchers

Second, when criminologists study specific forms of victimization in the African American community, they tend to rely on methodologies that are typically appropriate for the White community. Scholars have noted that a historical distrust by African Americans toward researchers has contributed to African Americans' decisions not to report victimization or participate in research studies. To increase participation of African Americans in these studies, criminologists have called for empowerment-based studies in which members of the African American community being studied are actively involved in the entire research process—from defining the research question to developing the methodology, gathering the data, analyzing the data, interpreting the findings, and making recommendations about the findings.

Media Influences

Third, the media have also contributed to misunderstanding about the plight of African American victims. The media tend to minimize African American victims. Marian Meyers studied violence against African American women in Atlanta, Georgia, during the 1990s "Freaknik" event (during which Black college students converged on Atlanta, Georgia, to attend parties and have festive activities) and found that the media coverage "portrayed most of [the African American] victims as stereotypical Jezebels whose lewd behavior provoked assault and absolved the perpetrators of responsibility." One can readily point to different examples in the national media when African American victims were portrayed differently than White victims. Consider the rape accusations against Mike Tyson and Kobe Bryant—one involving an African American victim and the other a White victim. In Tyson's case, media attention focused on what his victim did to contribute to the sexual assault (why she would have entered his room). In Bryant's case, there was a mix of commentaries related to the victim. Some of the commentaries were sympathetic to the victim, while others focused on her promiscuous behavior.

Funding Issues

Fourth, funding issues have also made it difficult to understand the plight of African American victims. Federal funding for criminological research tends to focus on specific crimes, and this funding is typically crime and criminal based rather than victimization based. Researchers have suggested that there is a "funding ladder" that prioritizes criminological research. Rarely does the federal government solicit proposal requests for funding for research on the victimization of African Americans. Without a great deal of funding, it is difficult for criminologists to devote the necessary amount of research to African American victims.

Societal Devaluation of Victims

A fifth factor that contributes to a lack of understanding about African American victims has to do with the way that society has historically devalued African American victims. Consider the past laws that provided different penalties for offenders based on whether the victim was a White victim or African American victim. As an example, some states stipulated that the rape of a White woman would result in the death penalty, while the rape of an African American woman would result in a lesser penalty. Some "disbelievers" would say that these laws no longer exist and that society now treats all victims the same. This is not yet wholly the case. As a simple example, one recent study by Amanda Robinson and Megan Chandek found that police in a midwestern police department were less likely to arrest accused domestic abusers if the victim was an African American.

Future Research

More empirical research on African American victims is needed. Explanations of victimization should be developed based on the assumptions, characteristics, and dynamics of the African American community as opposed to the assumptions, characteristics, and dynamics of the majority community. In addition, there is a need for public policies that address the needs of African American victims and their communities.

Brian K. Payne

See also Victimization, Latina/o; Victimization, White; Victimization, Youth

Further Readings

McGee, Z. (1999). Patterns of violent behavior and victimization among African American youth. *Journal of Offender Rehabilitation, 30,* 47–65.

Meyers, M. (2004). African American women and violence. *Critical Studies in Media Communication, 21,* 95–119.

Morrison, K. E., Luchok, K. J., Richter, D., & Parra-Medina, D. (2006). Factors influencing help-seeking networks among African American victims of intimate partner violence. *Journal of Interpersonal Violence, 21,* 1492–1522.

Priest, T. B., & Carter, D. B. (1999). Evaluations of police performance in an African American sample. *Journal of Criminal Justice, 27*, 457–466.

Robinson, A. L., & Chandek, M. (2000). Differential police response to Black battered women. *Women and Criminal Justice, 12,* 29–62.

Rose, D., & Clear, T. (1998). Incarceration, social capital, and crime. *Criminology, 36*, 441–479.

Salazar, L., Wingood, G., DiClemente, R., Lang, D., & Harrington, K. (2004). The role of social support in the psychological well-being of African American girls who experience dating violence victimization. *Violence and Victims, 19,* 171–186.

Stewart, E., Schreck, C. J., & Simons, R. L. (2006). "I ain't gonna let no one disrespect me": Does the code of the street reduce or increase violent victimization among African American adolescents? *Journal of Research in Crime and Delinquency, 43,* 427–459.

Taylor, J. (2005). No resting place: African American women at the crossroads of violence. *Violence Against Women, 11,* 1473–1489.

U.S. Department of Justice. (2006). *National Crime Victimization Survey*. Washington, DC: Author.

Wyatt, G. (1992). The sociocultural context of African American and White American women's rape. *Journal of Social Issues, 48*, 77–91.

Victimization, Asian American

According to data reported by the U.S. Census Bureau in 2007, 14.9 million U.S. residents were Asian, or Asian in combination with other races—the third largest minority group in the country. Although the Asian community is growing, Asian immigrants and their descendants are still vulnerable to racially motivated crimes. The Federal Bureau of Investigation (FBI) began collecting hate crime data in 1991 after the Hate Crimes Statistics Act of 1990 was enacted, yet the extent of Asian victimization has not been well documented due to reporting deficiencies at the state level. Until 2002, 11 states had not compiled hate crime statistics on a consistent basis, including Alaska, Georgia, Mississippi, Missouri, and New Mexico, and six others. The reluctance of Asian victims to report crimes to the police, especially those who are newcomers and illegal immigrants, has also contributed to the underreporting of Asian victimization in the United States. Although some victims' legal status and language ability dispose them to contact the authorities, a lack of confidence in the police and fears of retaliation also contribute to the community's relative tolerance of racially motivated crimes. Indeed, among all ethnic groups in the country, Asians are least likely to report crimes to the police.

Most crimes committed against Asians in the United States are racially motivated. Although the Chinese Exclusion Act (1882) was repealed in 1943, resentment of Asians has never been completely eradicated from American society. Anti-Asian biases and hostilities certainly have a historical basis, though the specific targets of those biases have changed as American political and social cultures have evolved—that is, such hostility is socially constructed. For instance, after the events of September 11, 2001, Arab Americans, Muslim Americans, and South Asian Americans became new targets of hate crimes. Those who perpetrate hate crimes against Asians might be motivated by different reasons, but personal prejudice against Asians is the most important contributing factor. As a matter of fact, anti-Asian crimes are mostly committed by Whites who hold notions of racial superiority, even if resentments and conflicts between Asians and other ethnic minorities also exist.

Anti-Asian crimes are more likely to involve an attack against an individual—including intimidation, simple assault, and aggravated assault—though various forms of crimes against property also frequently occurred, including destruction,

theft, and arson. Research indicates that it might be overly simplistic to attribute hate crimes to organized criminal groups known to harbor racially biased ideologies. In fact, the majority of racially motivated offenders were not affiliated with criminal organizations. Rather, most crimes were committed by otherwise law-abiding individuals or a loose band of residents in a particular neighborhood. For this reason, one of the distinguishing features of anti-Asian crimes is that victims were mostly attacked in or near their homes or business venues.

Asians' victimization is closely correlated to victims' immigrant status, age, gender, place of residence, and income. Comparatively, the newcomers (both legal and illegal immigrants) of the country were more likely to be the targets of anti-Asian crime. Interestingly, the victimization rate is unbalanced among different age groups: highest among people who were between 12 and 24; victimization rates gradually decrease with age. Gender differences in victimization are also significant. Except for rape and sexual assault, Asian males are more vulnerable to hate crimes than are Asian females. Although victimization in the form of simple assault has been constant across geographical location and people's incomes, with respect to serious violent crimes, including rape, sexual assault, robbery, and aggravated assault, the victimization is geographically and economically related: Urban Asian communities have higher victimization rates than do suburban and rural communities, and people who have less income are more likely to be victimized.

The consequences of anti-Asian crimes are apparent both at the individual level and the societal level. On an individual level, victims have suffered physical injuries and psychological trauma due to both the crime and its racially motivated basis. Moreover, these psychological injuries were more likely to stay longer in victims' lives, resulting in increased levels of anxiety, depression, and fear of being revictimized. Victimization of the individual also damages the Asian community. Many of these hate crimes are predicated on the notion that the victim—either as individual or as a subgroup within the community—is merely symbolic, as the perpetrators are usually not interested in harming particular individuals. Rather, their purpose is often to threaten and intimidate the victims' ethnic community. Thus, formulating a civil response to bias crimes against Asians is a great challenge to both American legislators and the criminal justice system.

Violence against Asians has been frequent and sometimes brutal, but in many cases the perpetrators were not held accountable for their crimes. Although there are various reasons for this tendency, the critical factor seems to be that the assailants are members of an ethnic majority. To effectively prevent the further victimization of individual Asians and, by extension, their communities, local law enforcement agencies should respond to anti-Asian crimes effectively and treat such incidents as seriously as they deal with other violent crimes—practices supported by the National Asian American Pacific Legal Consortium, a leading advocacy group. It is more likely that victims will be encouraged to report crimes if they believe that the police and other agencies in the criminal justice system will act justly and fairly on their behalf.

Huan Gao

See also Victimization, African American, Victimization, Latina/o; Victimization, Native American; Victimization, White; Victimization, Youth; Victim Services

Further Readings

Choi, N. (Ed.). (2001). *Aspects of the Asian-American experience: Diversity within diversity*. New York: Haworth.

Gerstenfeld, P. B., & Grant, D. R. (Eds.). (2003). *Crimes of hate: Selected readings*. Thousand Oaks, CA: Sage.

National Asian American Pacific Legal Consortium. (2002). *Audit of violence against Asian Pacific Americans* (10th annual report). Washington, DC: Author.

Perry, B. (2001). *In the name of hate: Understanding hate crimes*. New York: Routledge.

Perry, B. (2003). *Hate and bias crime: A reader*. New York: Routledge.

Wong, H. P., & Hwang, V. M. (Eds.). (2001). *Anti-Asian violence in North America: Asian American and Asian Canadian reflections on hate, healing, and resistance*. New York: AltaMira Press.

Victimization, Latina/o

Understanding violent victimization against Hispanics and how their victimization differs from that of non-Hispanic groups is essential for developing more efficient and effective policies designed to minimize future victimization. Further, understanding Hispanic victimization and how it may differ from that of other groups makes it possible to assess the extent to which there is fair and equitable access to the benefits of the criminal justice system. Should victimization research reveal a systematic bias in the access to the criminal justice system for any group, the cornerstone of the system—equity—is threatened.

This entry outlines current levels and rates of fatal and nonfatal violent victimization; describes victim, offender, and incident characteristics; and offers a brief discussion of some gaps in our understanding about Hispanic violent victimization.

Data

Homicide estimates come from 2004 death certificate data from the National Vital Statistics System (NVSS). The Supplemental Homicide Reports of the *Uniform Crime Reports* are not suitable to estimate homicide against Hispanics, because many jurisdictions do not gather data on whether the victim was of Hispanic origin.

Nonfatal violent victimization estimates come from National Crime Victimization Survey (NCVS) data. The NCVS offers a nationally representative sample of noninstitutionalized persons in the United States age 12 or older. The NCVS is a good source for examining nonfatal victimization because it offers a large, nationally representative sample of Hispanic victims; a range of victim, offender, and incident characteristics; and information on violence regardless of whether it was reported to the police. Nonfatal estimates are based on 2004 data from the NCVS.

"Hispanic" refers to self-identified Mexican Americans, Mexicans, Puerto Ricans, Cubans, and people from Central or Spanish South American countries or some "other" Spanish origin. Nonfatal violence refers to threatened, attempted and completed rape, sexual assault, robbery, and aggravated and simple assault. Fatal violence refers to homicide.

Homicide

In 2004, 1,319 Hispanics were victims of homicide. These homicides included 1,041 Hispanic males and 278 Hispanic females. Stated differently, in 2004, an estimated 4.2 homicides per 100,000 Hispanics occurred (6.6 per 100,000 males and 1.8 per 100,000 females). The Hispanic homicide rate is lower than the non-Hispanic rate. Non-Hispanics were characterized by a rate of 6.6 homicides per 100,000 non-Hispanic persons (10.5 per 100,000 males and 3.0 per 100,000 females). The pattern by gender is similar, with males evidencing a higher rate than females.

Nonfatal Violent Victimization

While Hispanics age 12 or older comprise 13% of the population, they experienced 12% of all violent crime in the United States. Hispanics were victims of about 621,718 violent crimes, leading to a rate of 19.8 violent victimizations per 1,000 Hispanic persons. Specifically, Hispanics sustained 17,316 rapes and sexual assaults (0.6 per 1,000), 71,707 robberies (2.3 per 1,000), 113,187 aggravated assaults (3.6 per 1,000), and 419,507 simple assaults (13.4 per 1,000).

Victim Characteristics

Victimization rates differ among race and Hispanic groups. Hispanics (19.8 per 1,000) were victimized at a rate lower than non-Hispanic Blacks (27.8 victimizations per 1,000), and at a rate lower than non-Hispanic American Indians (50.0 per 1,000). In contrast, Hispanics were victims of violence at a rate greater than non-Hispanic Asian/Pacific Islanders (8.3 per 1,000). And Hispanics were victimized at rates similar to non-Hispanic Whites during 2004 (19.8 and 20.9 violent victimizations per 1,000, respectively).

Relative differences in victimization rates change little by crime type. Hispanic rates of victimization are similar to non-Hispanic White rates (14.1 simple assaults, 4.1 aggravated assaults, 2.0

robberies, and 0.7 rape/sexual assault victimizations per 1,000 non-Hispanic Whites). Non-Hispanic Blacks experienced each type of crime at a higher rate than Hispanics with the exception of simple assault (12.8 simple assaults, 8.0 aggravated assaults, 5.1 robberies, and 1.9 rape/sexual assaults per 1,000).

Unlike broader patterns in the population, data reveal that Hispanic males and females are victims of overall violence at similar rates (20.2 and 19.4 victimizations per 1,000). No symmetry exists among non-Hispanic groups. Non-Hispanic White males are victimized at a rate higher than non-Hispanic White females (24.8 and 17.1 per 1,000, respectively). Non-Hispanic Black males and females are victimized at different rates (34.2 and 22.5 per 1,000), as are non-Hispanic American Indian males and females (55.7 and 45.2 per 1,000), and non-Hispanic Asian/Pacific Islander males and females (12.0 and 4.7 per 1,000).

Similarity in Hispanic male and female victimization rates is found among specific crime types. Simple assault victimization against Hispanic males and females are similar (13.7 and 13.1 per 1,000 respectively). Identical aggravated assault rates are found between Hispanic males and females (3.6 per 1,000). And Hispanic males are robbed at a rate of 2.6 per 1,000 while Hispanic females experienced 2.0 robberies per 1,000. An exception to the similarity in rates is found when investigating rape and sexual assault between Hispanic females and males (0.7 and 0.4 rape/sexual assaults per 1,000, respectively).

Hispanics who were separated or divorced were most likely to experience a violent victimization (46.5 and 38.9 per 1,000). Hispanics who had never married were violently victimized at a rate of 26.6 per 1,000. And the lowest rate of violent victimization characterized Hispanics who are married (10.3) and widowed (14.4 per 1,000).

In general, age and violent victimization risk are inversely related. Younger Hispanics are more likely to be victims of violence than are older Hispanics. The peak age category of individuals experiencing violent victimization was found among those ages 20 to 24 years (32.7 per 1,000 Hispanics). From this category, victimization rates fall to the lowest rate of 3.4 victimizations per 1,000 among those age 65 or older.

Like age, annual household income is inversely related to rates of violent victimization among Hispanics. The higher one's annual household income, the less likely he or she is to experience violence. The highest rate of victimization was noted among those with an annual household income of $7,500 to $14,999 (30.7 per 1,000 Hispanics). And the lowest rate of violence was estimated to be experienced by those with annual incomes of $75,000 or more.

Offender Characteristics

The NCVS offers insight into the characteristics of offender. And while offender characteristics are based on the victim's perceptions, research assessing the correspondence between victim perception and offender characteristics (i.e., offender's age and race) recorded in police reports demonstrates significant agreement.

According to the NCVS, most violence against Hispanics was committed by a male or a group of males (73.6%). Nearly 1 in 5 victimizations (19.1%) was perpetrated by a female or a group of female offenders. And a relatively small percentage (4.1%) of violence against Hispanics was committed by a group of offenders that included both males and females. The remaining violence was perpetrated by offenders of unknown gender.

Most violence against Hispanics was committed by an offender, or offenders, described by the victim as White (37.4%); 16.6% of the violence committed against Hispanics was described as being perpetrated by a Black offender or offenders. Nearly one quarter (23.0%) of all violence against Hispanics was committed by an offender or offenders described by the victim as "Other" (i.e., not White or Black). And a group of offenders comprised of different races committed 5.0% of all violence against Hispanics. Finally, 17.9% of the violence committed was perpetrated by an offender with a race the victim could not identify.

Violence against Hispanics is positively related to the offender's age. Most offending against Hispanics is committed by offenders age 30 or older (34.4%). Nominally less (32.2%) of all violence sustained by a Hispanic was described by the victim as having come at the hands of an offender or offenders between the ages of 18 and 29. Only

about 15.6% of violence against Hispanics came from an offender or offenders under the age of 18. Groups of offenders with perpetrators of a variety of ages were responsible for 9.9% of all violence against Hispanics, while offenders of unknown ages are attributed with committing 7.9% of all violence against Hispanics.

Victim and Offender Relationship

Nearly half (46.7%) of all violent victimization against Hispanics was committed by a stranger. Slightly less violence—30.7%—was committed by a friend or an acquaintance. An intimate partner—current or former spouse, boyfriend or girlfriend—perpetrated 14.0% of all violence experienced by a Hispanic person. And finally, other family members were responsible for 7.3% of all violence against Hispanics.

The distribution of victim and offender relationship changes when examining male and female victims separately. Hispanic females are more likely to be victimized by someone they know, and Hispanic males are about equally likely to be victimized by a stranger or someone they know. Stranger violence accounted for 53.9% of the violence experienced by Hispanic males, and 39.1% of the violence against Hispanic females. An intimate partner was responsible for 23.7% of violence against Hispanic females, whereas 4.9% of the violence sustained by Hispanic males was perpetrated by an intimate partner. Discrepancies between male and female violent victimization are muted when considering friend and other family member violence. Friends and acquaintances were responsible for 33.6% of all violence against Hispanic males, and 27.6% of all violence against Hispanic females. And finally, 6.5% of violence against men and 8.1% of violence against women was committed by an "other" family member (i.e., not an intimate partner).

Incident Characteristics

Violence against Hispanics generally did not involve a weapon. 70.2% of violent victimizations against Hispanics did not involve any weapon. Much less (6.7%) violence involved a firearm or any type. Knives or sharp objects were brandished during 5.8% of all victimizations, while some "other" type of weapon was present during 8.1% of all violence. In 10.2% of all violent victimizations against Hispanics, the victim was unsure of the type of weapon brandished, or they were not sure that a weapon was involved.

Violent victimizations against Hispanics generally did not lead to an injured victim. Nearly 7 of 10 victimizations (69.2%) resulted in no injury. A serious injury (e.g., broken bones, gunshot wounds, internal injuries) was sustained during 4.2% of victimizations, 25% of violence resulted in a minor injury (e.g., bruises, cuts, scrapes, chipped teeth), and 1.6% led to a completed rape without additional injuries.

Like the overall population, about half of violence against Hispanics comes to the attention of the police. 51.3% of violence against Hispanics was reported. Research demonstrates differences among reporting by crime type. Hispanics are less likely to report the *most* serious of violent victimization compared to non-Hispanic Whites, but are *more* likely than non-Hispanic Whites to report simple assaults to the police.

Directions for Future Research

While research examining Hispanics has been growing over time, significant gaps in our understanding of Hispanic victimization experiences remain. For example, nationally representative victimization data allowing the disaggregation of "Hispanics" is needed. The aggregation "Hispanic" encompasses a widely varied group of individuals and likely masks important within-group variation. Data collection should expand Hispanic origin measures to include greater detail (i.e., Mexican, Puerto Rican, Colombian, Cuban, etc.).

A second gap in the literature is the lack of an immigration measure in nationally representative data. Reasons exist to suspect differences in victimization experiences between legal and illegal groups, and between new immigrants and those who have lived in the United States for an extended period of time. The added precision afforded by these two measures would allow greater understanding of the victimization experiences and access to the criminal justice system among the Hispanic population.

Callie Marie Rennison

See also Domestic Violence; Ethnicity; Latina/o/s; Violence Against Women; Violent Crime

Further Readings

Lauritsen, J. L., & Rennison, C. M. (2005). The role of race and ethnicity in violence against women. In K. Heimer & C. Kruttschnitt (Eds.), *Gender and crime: Patterns in victimization and offending*. New York: New York University Press.

Martinez, R., Jr. (2002). *Latino homicide: Immigration, violence and community*. New York: Routledge.

Nielsen, A. L., Lee, M. T., & Martinez, R., Jr. (2005). Integrating race, place and motive in social disorganization theory: Lessons from a comparison of Black and Latino homicide types in two immigrant destination cities. *Criminology, 43,* 837–872.

Ramirez, R., Jr. (1996). Latinos and lethal violence: The impact of poverty and inequality. *Social Problems, 43,* 131–145.

Ramirez, R., Jr. (2002). *Latino homicide: Immigration, violence, and community*. New York City and London: Routledge.

Rennison, C. M. (2001). *Violent victimization and race, 1993–98*. Washington, DC: U.S. Government Printing Office.

Rennison, C. M. (2002). *Hispanic victims of violent crime, 1993–2000/Víctimas Hispanas de crímenes violentos, 1993–2000*. Washington, DC: U.S. Government Printing Office.

Rennison, C. M. (2007). Reporting to the police by Hispanic victims of violence. *Violence and Victims, 22,* 6.

Victimization, Native American

According to the 2000 census, 4.1 million American Indians and Alaska Natives (collectively referred to in this entry as *American Indians, Native Americans,* or *Natives*) currently reside in the United States. There are 562 federally recognized Indian tribes and Alaska Native groups who speak altogether more than 250 different languages. Although tribal nations maintain separate cultures, histories, and customs, they share several commonalities. All tribes are similarly affected by many of the same issues such as poverty, unemployment, lack of education, and victimization. This entry outlines the prevalence of victimization in Native American communities (hereafter referred to as *Indian Country*) and discusses the context in which such victimization occurs. Attention is given to services offered to victims and the challenges to providing such services. First, it is important to understand the available data sources from which information on victimization in Indian Country is drawn.

Victimization Statistics

It is difficult to draw an accurate portrayal of American Indian victimization because of the obstacles in obtaining reliable data in Indian Country. Many tribal police departments do not systematically collect data due to lack of resources: understaffing, funds, data collection systems, and analysis software. Crime victims are hesitant to report victimization due to the distrust of law enforcement, fear of retaliation, and the perception that law enforcement is not effective. Furthermore, American Indians are a difficult population to reach with current data collection methods. Many Native Americans live in geographically isolated locations, making it difficult to include them in samples. It is also difficult to obtain a representative sample because of the cultural diversity between tribes. Nonetheless, there are some data available that suggest victimization in Indian Country warrants serious attention.

The Supplementary Homicide Report (SHR) from the Uniform Crime Reporting Program provides information on crimes that result in a death. Results from a recent report found that over a 23-year period (1976–1999), an estimated 2,469 American Indians were murdered. Consistent with other racial groups, males comprised the majority of the victims. However, there was a notable difference. African Americans and Whites were more likely to be murdered by someone of the same race, but American Indians were more likely to be murdered by someone of a different race. While informative, the SHR provides detailed information only on homicides, and it does not distinguish between Natives who live on and off the reservation.

The National Crime Victimization Survey (NCVS) collects information on violent crimes including rape, sexual assault, robbery, and aggravated and

simple assault for persons 12 and older. Compared to the SHR, the NCVS provides a more complete picture of victimization, although it also does not distinguish between Natives who live on and off the reservation. Based on data over a 9-year period (1992–2001), American Indians accounted for approximately 1.3% of all victims of violence, but they represented only .5% of the sample. This translates into approximately 1 violent crime for every 10 residents age 12 or older. Compared with both African Americans (1 out of 20) and Whites (1 out of 25), Natives in this sample were victimized at an alarming rate. American Indians were more than twice as likely as Whites, African Americans, and Asians to experience a sexual assault or rape, aggravated assault, and simple assault. Robbery was the sole violent crime for which American Indians were victimized at a rate more similar to African Americans, although it was still double what it was for Whites and Asians.

The rate of violent victimization among American Indian women was more than 2.5 times the rate for African American and White females and 5 times greater than for Asian women. A similar pattern was found for Native American males. Natives were more likely to be victimized across all age categories, but it was highest for those between the ages of 18 and 24. There was also a great deal of victimization among the elderly. Among persons age 55 or greater, the victimization rate was 22 per 1,000 compared to the overall rate of 8 per 1,000.

Contributing Factors

As evidenced by the aforementioned statistics, American Indians are experiencing high rates of victimization, much higher than those experienced by other ethnic groups and the national average. The question, then, is why? There are several potential historical and current contributing factors, including colonization, substance abuse, and lack of jurisdiction over non-Native offenders.

The increased likelihood of victimization can be traced back to the treatment of American Indians by colonists and the government. Historically, violence among the American Indian population was rare because of the cultural emphasis on harmony. The transition experienced by Native Americans because of colonization has drastically altered the social and cultural structures that originally provided sources of social control. For example, the introduction and growth in popularity of boarding school programs for Native children greatly undermined traditional Native values and family structure. Students were often punished for speaking their language or engaging in other Native cultural rituals and were unable to see their family for long periods of time. Several generations of students lost their language, cultural practices, and ties to their communities, which contributed to the breakdown of informal social controls and the increase in crime and victimization.

Alcohol abuse in Indian Country is another contributing factor to high rates of victimization. Alcohol-related offenses among American Indians are more than double those found among the rest of the population. According to some estimates, nearly 70% of all violent crimes in Indian Country involve alcohol, compared to approximately 41% for other racial groups. Alcohol abuse also has a significant impact on violence against women. Several studies have found a high correlation between alcohol use and intimate partner violence; with more than half of all incidents occurring while the perpetrator was under the influence.

The jurisdictional complexities relating to criminal offenses are another contributing factor to the high rates of victimization in Indian Country. Tribes lack jurisdiction to prosecute crimes that involve a non-Native offender. Yet according to a Bureau of Justice Statistics (BJS) study, at least 70% of the crime experienced by Native Americans is interracial. Tribes also do not have jurisdiction for crimes that result in more than 1 year of imprisonment. For some tribes, the Federal Bureau of Investigation has jurisdiction to prosecute serious offenses, whereas some tribes must rely on the state. As such, it is difficult for Native law enforcement to enforce the law, deter crime, and prevent victimization.

Barriers to Victim Services

Given the magnitude of victimization in Indian Country, Native communities are increasingly concerned with providing adequate services to victims. Unfortunately, there are four major impediments that tribal justice systems have to

overcome before they can better address victim needs: limited resources, poor law enforcement services, limited training for service providers, and lack of system reliability.

The ability of tribal nations to provide victim services is hampered by the poverty that plagues most Native communities. The unemployment rate for American Indians is approximately 50%, the highest among all minority groups. The lack of financial resources not only hinders the communities' ability to provide services, but it inhibits victims from seeking services in surrounding areas. Native communities are geographically isolated, further limiting the available resources. Geographical isolation generates additional stress for victims because offenders typically live in the same community. Living in such close proximity hinders service availability because victims alienate themselves as a result of fear of retaliation and other safety concerns.

Inadequate law enforcement services must also be addressed in order to provide appropriate victim services. Due to a number of factors, it is difficult for law enforcement to provide assistance and protection to victims of crime in Indian communities. Many tribal nations do not have an emergency response system; they are understaffed; and they police a large geographical area. These conditions result in lengthy response times to calls for help, which inhibits the willingness of victims to call and the ability of police to provide victim services.

The limited training for service providers is another barrier to providing victim resources. Most tribal police and social service providers are not properly trained in victim response. The opportunities for ongoing specialized training in particular areas such as child abuse, sexual assault, elder abuse, and gang violence are also limited due to strained budgets. The importance of training to provide mental and emotional health, to address safety and protection concerns, and to help with medical related issues cannot be overstated. Service providers also need extensive training relating to the tribal culture to ensure the services offered are culturally appropriate.

The final barrier involves the lack of confidence in the justice system. Due to the lack of infrastructure, such as laws, staff, detention facilities, and victim shelters, many victims do not seek help. Those that do find themselves in a complex judicial process involving the tribal, local, state, or federal government. The quality and amount of victim services offered are diminished because there are few coordinated approaches among the various governments to assist victims of crime. As such, victims often fall through the cracks.

Victim Services

Despite the aforementioned barriers, great strides have been made in protecting victims and providing culturally appropriate interventions. Since each tribe is unique in its customs and traditions, the specifics of these interventions vary considerably. However, it is generally agreed that services staffed with providers who are aware of the tribal history, traditional sanctions, and cultural beliefs are more likely to be successful. The restorative and reparative approach to victimization can fulfill these criteria.

The restorative and reparative approach has gained considerable popularity within the Native community. Within this framework, the community is responsible for taking the corrective actions necessary to redirect the offender and to provide safety for the victim. It is a holistic approach that focuses on addressing the needs of the victim but recognizes the need to include the offender and the community in the healing process. Many times the offender will take deliberate steps to assist the victim in the healing process. This is especially important when the offender and victim have a close relationship, are family members, or live near each other. The restorative and reparative approach helps promote the accountability of offenders to crime victims, local communities, and the state. It increases the use of restitution while decreasing the cost of punishment. This is important, since tribes operate with limited resources. Most important, this approach is consistent with the traditional Native American attitudes toward justice.

Conclusion

Social problems, including victimization, affect all racial and ethnic groups. Although more research is necessary before drawing definitive conclusions, available statistics suggest that Native Americans

are victimized at a much higher rate than other racial groups, and a rate significantly higher than the national average. The factors contributing to the victimization rates include poverty, colonization, substance abuse, and jurisdictional complexities.

Despite the tremendous obstacles, tribal communities are increasingly concerned with providing adequate services to victims and their families. The resurgence among American Indians to strengthen their tribal justice system by returning to a restorative and reparative approach has been to the benefit of the victims and the larger community. There is great potential for the needs of victims to be addressed in Indian Country, but it requires adequate resources, coordination and cooperation among all criminal justice actors, and a firm commitment by the community.

Jaclyn Smith

See also Native Americans; Tribal Police

Further Readings

Baldridge, D., & Brown, A. (2000). *Native American elder abuse*. Retrieved from http://www.ncjrs.gov/App/publications/Abstract.aspx?id=203670

Bigfoot, D. S. (2000). *History of victimization in Native communities*. Retrieved from http://devbehavpeds.ouhsc.edu/assets/pdf/pmm/History%20of%20Victimization%20Issues.pdf

Deer, S., Flies-Away, J., Garrow, C., Naswood, E., & Payne, D. (2004). *Victim services: Promising practices in Indian Country*. Retrieved from http://www.ovc.gov/publications/infores/victimsrvsindian_country2004/729404.pdf

Perry, S. (2004). *American Indians and crime: A BJS statistical profile, 1992–2002*. Retrieved from http://www.ojp.usdoj.gov/bjs/pub/pdf/aic02.pdf

Thurman, P. J., Roe Bubar, J. D., Plested, B., Edwards, R., LeMaster, P., Bystrom, E., et al. (2003). *Violence against Indian women*. Retrieved from http://www.ncjrs.gov/pdffiles1/nij/grants/198828.pdf

Victimization, White

Members of all races have been victims of crime in the United States. However, disproportionate attention and societal concern are often invested in crimes against Whites. The socially constructed image of the White victim and disproportionate attention to crimes against Whites are often incongruous with the statistical realities of race and criminal victimization.

Take, for example, the social construction of the child abduction victim. It is difficult to avoid the conclusion that it is a dramatic microcosm of the racial imbalance in mainstream America's perspective on crime and race. In the past quarter-century, numerous policies that memorialize famous victims have been enacted in response to horrific crimes against children. Among these are the Missing Children Act (Etan Patz and Adam Walsh), sex offender registration requirements (Jacob Wetterling and Megan Kanka), habitual offender laws (Polly Klaas), and the AMBER Alert system (Amber Hagerman). More recently, a majority of states have enacted "Jessica's Law" sex offender enhancements (Jessica Lunsford), and stricter revocation criteria for probationers have been proposed as "Carlie's Law" (Carlie Brucia).

The deaths of all of these children have aroused intense grief and public outrage, and rightly so, but it is noteworthy that *all these child victims were White*. In fact, no "memorial crime control" legislation has ever been inspired by the death or serious abuse of a non-White child in the United States.

Mass media portrayals might be in part to blame. It is illustrative to contrast the late 1996 murder of child beauty queen JonBenet Ramsey, a White female, with that of 9-year-old Black female Toya Currie (initially identified as "Girl X" to protect her privacy), who was found near death in a stairwell in Chicago's notorious Cabrini-Green housing project after being savagely raped, tortured, poisoned, and permanently disabled by a then-unknown attacker. Given the similar severity of the offenses and sympathetic power of the victims, one would suspect that the two crimes would command comparable media and public interest, but they did not. A Lexis-Nexis search of electronic archives of North American newspapers for the 120 days after the Ramsey murder identifies 298 stories that reference the case. In the year after the respective crimes, there were 660 stories mentioning JonBenet Ramsey, but only 20 that referenced Toya Currie.

While no exact measures of "stereotypical" child abduction and murder have ever been developed, it is possible to estimate its prevalence using the Federal Bureau of Investigation's (FBI) Supplementary Homicide Reports. From 1973 to 2003, the SHR identified 2,055 children under the age of 18 who were murdered as part of a sex crime. Of these, 1,358 of the victims were White and 118 were Black, although the statistics for Whites are certainly misleading because Hispanic victims are conflated with Whites in the data. Even with this conflation, the data show that there are potentially hundreds of non-White victims of child abduction or murder—and yet only White victims have inspired memorial crime control legislation.

Perhaps even more important than popular portrayals and perceptions is the compelling evidence that crimes against Whites command even greater social concern—and legal response—if their attackers are non-White. For example, while patterns differ by jurisdiction, it has been repeatedly shown that African American murderers whose victims are White are more likely to receive the death penalty. Similarly, some studies show that African American men convicted of raping White women have often received more severe prison terms than any other offender category, leading some to argue that it reflects an implied societal "sexual stratification" in which the justice system is employed to reinforce historically prescribed sexual boundaries in which minority men are denied the opportunity to date and have sexual relations with White women.

Recent information on White victims in the National Crime Victimization Survey indicates that their violent crime victimization rate is 23.2 (per 1,000) and 155.8 for their property crime victimization. Disproportionate media attention to White victims and disproportionately punitive treatment of minorities who victimize Whites are ironic, because *the victims of violent crime are disproportionately non-White*. National Crime Victimization Survey and *Uniform Crime Report* data show that Whites are much less likely to be victims of all forms of violent crime than African Americans and other minorities. For example, despite the fact that African Americans constitute less than 13% of the general population, they compose nearly half of all homicide victims. Similar disproportions can be demonstrated for rape, armed robbery, and so forth. White victimization is real but not predominant, as popular portrayals would suggest.

Timothy Griffin

See also Baldus Study; Central Park Jogger; Delinquency and Victimization; Interracial Crime; Media Portrayals of White Americans; Myth of a Racist Criminal Justice System; Racialization of Crime; Sentencing; Victimization, African American; Violent Crime

Further Readings

Catalano, S. M. (2006). *National Crime Victimization Survey: Criminal victimization, 2005*. Washington, DC: U.S. Department of Justice, Office of Justice Programs.

Fox, J. A. (2005). Uniform Crime Reports: *Supplementary homicide reports, 1976–2003*. Retrieved from http://ojjdp.ncjrs.org/ojstatbb/ezashr

Mann, C. R. (1993). *Unequal justice: A question of color*. Bloomington: Indiana University Press.

Mann, C. R., & Zatz, M. S. (2002). *Images of color; Images of crime: Readings*. Los Angeles: Roxbury.

Ordonez, J. (1997, February 21). Race as Chicago case's "X" Factor; Attack draws comparisons to JonBenet Ramsey case. *The Washington Post*, p. 2.

Rand, M., & Catalano, S. (2007). *Criminal victimization, 2006*. Washington, DC: U.S. Department of Justice, Office of Justice Programs.

Surette, R. (2007). *Media, crime, and criminal justice: Images, realities and policies* (3rd ed.). Belmont, CA: Wadsworth.

Walker, S., Spohn, C., & DeLone, M. (2004). *The color of justice: Race, ethnicity, and crime in America* (3rd ed.). Belmont, CA: Wadsworth, Thomson Learning.

VICTIMIZATION, YOUTH

Youth victimization is generally defined as violence and/or crimes perpetrated against youth. This definition can include physical assaults such as hitting, punching, and kicking, sexual assaults such as rape and molestation, and other crimes such as theft and bullying. Furthermore, youth victimization can be both direct (being the victim of violence or crime) and indirect (witnessing violence and crimes perpetrated against others). Research shows that youth between the ages of 12

and 17 have the highest rates of victimization for both crime of violence and crimes of theft. This entry addresses specific factors that lead to minority youth victimization and their subsequent involvement in violence.

Explanations for Youth Victimization

Criminologists and sociologists have suggested several possible explanations for patterns of youth victimization. Some theorists suggest that lifestyle and routine activities contribute to victimization, while others suggest that a victim's individual traits may increase victimization. Those suggesting lifestyle explanations emphasize the lack of protection and guardianship for the victim and the presence of a capable offender. According to the routine activities theory, individuals are at an increased risk for victimization when they are placed in daily situations with lower protection and increased exposure and proximity to offenders. Criminologists suggest that offenders victimize individuals due to several different factors, such as weakened social bonds, poverty, and cultural conflicts. Other theorists suggest the integration of theories of victimization and criminology to explain how the interaction of criminal motivation and availability of victims increases victimization. Regarding the nexus between victimization and violence among minority youth, one major concern is the disproportionate minority confinement that occurs when a large percentage of juveniles who have previously been victimized find themselves detained or confined in secured detention facilities. Black, Hispanic, and other minority youth are often at a higher risk of victimization and subsequent violence, often leading to disproportionate targeting and unfair treatment by law enforcement officials and obtaining racially skewed charges and plea bargaining decisions of prosecutors by discriminatory sentencing practices.

Structural and Choice Components in Explanations of Victimization

Structural components of the explanations of victimization, proximity and exposure, are increasingly significant due to the social and physical contexts in which victimization occurs. *Proximity* relates to the ecological proximity or closeness to criminal behavior. *Exposure* is the rate at which individuals are faced with motivated offenders. An individual increases his or her exposure to crime when he or she participates in activities in dangerous environments. Both of these are often determined by neighborhood and community characteristics. The choice components of victimization are related to the particular offenders and victims. A lack of guardianship will yield an environment in which an offender feels safe to commit an offense. Guardianship can be viewed as the ability to prevent the occurrence of a crime, such as the presence of others or alarm systems. Attractiveness of a victim will then determine who an offender will violate based on assumptions that an individual has some value to the offender.

Rational Choice Explanation

According to the rational choice explanation of victimization and crime, offenders commit crimes based on personal benefit that can be derived from that offense. Following this line of theory, criminals weigh the costs and benefits of their actions prior to making them. A situational perspective is used to address the connection between situations and behaviors. Contextual information is gathered to determine the likelihood of victimization. The decision to commit a crime is made in stages, the first being the decision to participate in criminal activity. The second stage involves selecting a crime that fulfills the needs of the offender. Given this theoretical perspective, victims are identified by the offenders, therefore suggesting the likelihood of victimization to increase in areas with more offenders.

There is, however, a distinction between the decision to become involved in crime and the decision to commit an individual crime. The process of deciding to become involved in crime is the process through which offenders determine whether or not they will participate in particular types of crime; this process is a multistage process that occurs over time and is based on a range of information. The decision to commit an individual offense is based largely on immediate circumstances and occurs over a shorter period of time.

Routine-Activities Explanation

The routine-activities explanation of victimization is very similar to the rational choice explanation because both stem from the idea that offenders are rational beings who make decisions based on the comparison of costs and benefits of their future actions. It is suggested that the routine activities of some groups and some people may expose them to higher risks of victimization. Additionally, the routine-activities explanation suggests that there are certain conditions that must occur at the same time and place in order for an offense to be committed. These conditions are the presence of a motivated offender, a suitable target, and the lack of a guardian or source of prevention. Rates of victimizations will therefore change whenever there is a change in available targets or the lack of prevention mechanisms. Some routine-activities theorists present the changes in routine activities, such as working outside of the home or the increased portability of goods.

Rates of Youth Victimization

Data from the School Crime and Safety Survey indicate that, in 2005, students ages 12 to 18 were victims of about 1.5 million nonfatal crimes (theft plus violent crime) while they were at school and about 1.2 million nonfatal crimes while they were away from school. Generally, more students ages 12 to 18 were victims of theft at school than away from school between 1992 and 2005. In 2005, students were victims of 868,000 crimes of theft at school and 610,000 crimes of theft away from school. The victimization rates for students ages 12 to 18 varied according to certain student characteristics in 2005. A greater percentage of younger students (ages 12 to 14) than older students (ages 15 to 18) were victims of crime at school, but the reverse was true away from school. Students residing in suburban areas had a lower rate of violent victimization at school and away from school than students in urban areas.

The consequences of youth victimization can be very detrimental, causing psychological disorders, substance abuse and dependence, and delinquency. A study conducted with a sample of 2,030 children (ages 2 to 17) showed that nearly 10% reported a household income of less than $20,000; and 34% had an annual household income between $20,000 and $50,000. The survey contained 76% White, 11% Black, 9% Hispanic, and 3.5% from other races. More than half of the youth in this sample experienced an assault in the course of the study year. One in 10 experienced an assault-related injury including a bruise, a cut, or broken bone. About one fifth of children and youth also experienced bullying; and one fourth had been teased and harassed. Boys had higher rates of assault victimization than girls for nearly all types of assaults. However, the girls had higher rates of attempted and completed kidnapping. Physical assaults overall occurred at a higher rate for elementary school-age children (ages 6 to 12). However, nonsexual assaults to the genitals and bias attacks were higher for the teenage group. Additionally, dating violence was reflected only in the teenage group. A majority (54%) of the assaults were committed by family members, including siblings and acquaintances.

One in 12 of respondents in the national sample of children had experienced sexual victimization. A little more than one fourth of the children and youth experienced property victimization in the study year. One third of the national sample of children and youth had witnessed victimization of another person or had been exposed indirectly. Among 71% of children and youth who reported at least one direct or indirect victimization over the course of the year experienced about three victimizations that year. In disadvantaged neighborhoods, the incidence of victimization is higher.

According to Wilson, the growth of neighborhoods with extreme levels of poverty has created conditions that isolate residents from mainstream society and tie them to a local setting of multiple disadvantages. Drawing on this argument, scholars have explored the association between concentrated poverty and various types of "deviance" such as drug use, teenage childbearing, and violent crime. Research has found that youth in disadvantaged neighborhoods report higher rates of neighborhood victimization. Furthermore, neighborhood disadvantage leads to higher rates of violence, which, due to the social organization of this violence, leads to greater interaction between younger adolescents and older adolescents and young adults, who socialize youth to cultural models.

Because those older youth and young adults who are visible and available in disadvantaged neighborhoods often present models at odds with those of mainstream society, these relationships can adversely affect younger adolescents' later decision making regarding education, sex, and romantic relationships. Nonetheless, within neighborhoods plagued by high crime rates, youth vary in the extent to which they witness violence. One of the more promising factors that may protect youth from exposure is family functioning. The family is seen as the most prominent, persistent, and proximal developmental influence for children and thus is seen as a likely focus for intervention. Research found family structure (level of organization and support within the family) to moderate the relation to both aggression and anxiety or depression for those exposed to community violence.

Research on Youth Victimization

While youth victimization may not be considered a pressing issue, research suggests the contrary. Youth who are victimized are more likely to exhibit delinquent and aggressive behavior and engage in illegal activities. Furthermore, research suggests a link between victimization and posttraumatic stress disorder (PTSD) and substance abuse and dependence. As the literature of youth victimization grows, research combining both the empirical and theoretical is essential. Policy implications from such research can work to prevent youth victimization. Although it is impossible for all youth victimization to be prevented, it is possible for the negative effects, such as delinquent behavior and substance abuse, to be mitigated. Additionally, youth who have been victimized can be treated effectively.

Future research should include qualitative and longitudinal methodologies to effect deeper understanding of this phenomenon.

Zina McGee, Adrianne Gilbert, and Kendrick Henley

See also Delinquency and Victimization; Delinquency Prevention; Juvenile Crime

Further Readings

McGee, Z. (2003). Community violence and adolescent development: Assessing risk and protective factors among African American youth. *Journal of Contemporary Criminal Justice, 19*, 293–314.

McGee, Z. (2003). Weapons, violence, and youth: A study of weapon-related victimization among urban high school students. In J. Joseph & D. Taylor (Eds.), *With justice for all: Minorities and women in criminal justice* (pp. 191–208). Upper Saddle River, NJ: Prentice Hall.

U.S. Department of Education. (2007). *School crime and safety*. Washington, DC: Author.

Victim Services

The term *victim services* refers to various ways that victims of crime are being assisted. Victims of crime are people who have experienced direct physical, emotional, or pecuniary harms as a result of a compensable crime. Victim services are an important stabilizing agent in society as they help victims of crime cope with trauma and other negative effects of crime.

Even though services are provided to all victims of crime, the role of victim services has special meaning to minority crime victims. According to the Bureau of Justice Statistics, Blacks' homicide victimization rates were 6 times higher than Whites', and Blacks were much more likely to be killed in drug-related circumstances. Other statistics also indicate that racial minorities are disproportionately victims of crime. For example, according to the 2005 NCVS, the rate for Black victims of personal crimes, for every 1,000 people, is 28.7, compared to 20.9 White victims of personal crime and 14.1 victims in the other minority category. The data further indicated that Blacks in the United States experience property crime less often than Whites, 144.6 compared to 155.7, respectively. Even so, minority members of society continue to need and benefit from victim services.

In the early 1970s, criminal justice systems in the United States began showing greater sensitivity to the needs of crime victims. This occurred in part as a result of prosecutors' recognition of the important roles played by victims in the successful prosecution of offenders. To garner the support of victims in criminal prosecutions, many prosecutors began offering a variety of support services to crime victims who were also witnesses. For example,

some prosecutors offered financial support to victims to address the income lost by victim-witnesses while assisting with prosecutions. Other services included counseling to assist with the psychological needs of victims, and even educational briefings to prepare victims for trial. By the mid-1970s, prosecutors in seven states implemented pilot victim-witness assistance projects. The success of pilot programs played an integral role in the political support for passage of the 1984 Victims of Crime Act (VOCA). Since that time, most local prosecutors' offices have provided varying levels of service to crime victims in the United States. The types of services provided are often a reflection of individual state policies and collaboration with the federal Office of Victims of Crime (OVC). A result of these early beginnings was the establishment of victim-witness assistance programs that currently provide victim services throughout the nation.

The Crime Victims' Fund, created by VOCA and administered through OVC, is a non-taxpayer-funded resource that pays for services provided to crime victims. Funding to support victim compensation and victim assistance programs is collected at the federal level and then awarded by the OVC to the states for disbursal to local programs. Funds are derived from several sources, that is, fines paid by the convicted, forfeited bail bonds, penalties, special assessments collected by the federal courts and U.S. attorneys' offices, fees collected by the Federal Bureau of Prisons from offenders convicted of federal crimes, private gifts, bequests, and donations. These funds support two types of locally administered programs, for example, those that provide victim compensation or victim assistance.

Crime victim compensation programs reimburse victims for a variety of expenses incurred as a result of criminal victimization, for example, medical and counseling costs, funeral bills, and lost wages. Some states provide compensation for property that is lost due to crime, for example, property that is stolen or destroyed. Victim compensation is usually paid only when other financial resources, such as private insurance and offender restitution, do not cover losses. Maximum compensation ranges from $10,000 to $25,000 depending on individual state policies.

Eligibility for federally funded victim compensation is defined in the U.S. Code, Title 42, Section 10602. For example, a crime victim compensation program is eligible for federal funds only if it is operated by the state and offers compensation to victims and survivors of criminal violence, including drunk driving and domestic violence, and it encourages victims to cooperate with law enforcement authorities. The code also indicates that victims are eligible for compensation for (a) medical expenses only if the medical expenses are attributable to a physical injury associated with a compensable crime, including expenses for mental health counseling and care; (b) lost wages that result from physical injury from a compensable crime; and (c) funeral expenses resulting from a compensable crime death.

Federal funds distributed to victim assistance programs are used to support grassroots-level victim service providers such as rape crisis centers, domestic violence shelters, child abuse programs, and victim service units in law enforcement agencies, prosecutors' offices, hospitals, and social service agencies. Representatives from more than 4,000 local agencies in 50 states and several territories annually deliver victim services to nearly 4 million crime victims. The services assist victims of domestic violence, sexual assault, child abuse, elder abuse, drunk driving, attempted homicide, terrorism, and mass violence. Victims of domestic violence and sexual assault account for half of those receiving services. Local child abuse prevention programs and grants are also supported by VOCA funds. Some of the services provided include counseling, criminal justice advocacy, crisis intervention, emergency shelter, and emergency transportation.

Since the mid-1970s, numerous crime victim advocacy organizations have been established in the United States. For example, the National Organization for Victim Assistance (NOVA), the oldest national group of its kind, founded in 1975, is recognized as a leading advocate in the worldwide victims' movement. Its mission is to promote rights and services for victims of crime and crisis throughout the world.

Another noteworthy victim advocacy organization is the National Center for Victims of Crime (NCVC). Established in 1985, it works with more than 10,000 grassroots organizations and criminal justice agencies providing services to millions of crime victims. It is recognized as the nation's leading resource for crime victims. The organization

collaborates with local, state, and federal partners, such as the OVC, to provide direct services and resources to crime victims; advocate for the passage of laws and public policies that create resources, rights, and protection for victims; and deliver training and technical assistance to victim service providers. Some of their resource centers include the Training Institute; Stalking Resource Center; Parallel Justice; Teen Victim Project; Resilience Project; and Dating-Violence Resource Center.

Since 1982 the OVC has worked with faith-based community organizations in the development of programs to provide services to victims of crime in the United States. In an effort to engage faith-based community organizations in victim services, the OVC provides funding, training, and technical assistance to such organizations, whose mission is to cofacilitate the healing process of victims in collaboration with government victim assistance agencies.

Elizabeth H. McConnell

See also Victim and Witness Intimidation; Victimization, Asian American; Victimization, Latina/o; Victimization, White

Websites

Justice Solutions: http://www.justicesolutions.org
National Association of Crime Victim Compensation Boards: http://www.nacvcb.org
National Association of Victims of Crime Assistance Administrators: http://www.navaa.org
National Center for Victims of Crime: http://www.ncvc.org
National Crime Victimization Survey: http://www.ncvs.org
National Organization for Victim Assistance: http://www.trynova.org

Video Games

Media messages have the ability to influence the attitudes, self-concepts, and values of a young person. One area that has remained relatively absent from the public discourse on diversity in the media is that of race and video games. There are a number of important issues that make this conversation important to parents, children, and the society at large. First, it is important to understand the influence that video games have on the gamer; further, given this influence on the gamer, it is important to understand the nature of the messages being sent by video games; and finally, it is important to understand how race is represented in these messages.

The media is a source of information, education, and entertainment for many Americans and is often cited as a pulse of American values. Mediated information extends far beyond television, encompassing newer, more controversial forms of interactive media. Among these interactive media are video games, which are threatening to replace television as the primary entertainment outlet for children. In fact, previous research found that adolescent boys average about 11 hours of video game play per week. Video games have evolved into a multibillion-dollar-a-year industry, with nearly three quarters of American households having a game console of some kind. This industry has drawn criticism from many parents, advocacy groups, public health officials, and scholars for the perceived harms of video games, such as higher rates of violence and aggression among males, and even higher obesity rates among gamers. Yet despite the fact that past research has indicated that violent perpetrators with shared demographics relative to media users may be especially potent behavioral models, very little research has examined the portrayal of video game aggression with regard to race.

The scant research into the issue of race and video games suggests that the majority of characters and heroes in popular video games are White, while Latina/o and Native American characters were practically nonexistent. White characters were also found to be the most common characters to carry and use weapons as part of aggressive behavior. The most common representation of African American males (80%) is as athletes, who were also portrayed as the most verbally and physically aggressive; however, the African American male characters were the least likely to exhibit harm when victimized, suggesting a nonrealistic response to violence and aggression. Unlike their male counterparts, 90% of African American female characters were victims of violence and aggression. Latina/o

characters, exclusively found in sport games, were noted to express the most pain and suffering when victimized. Finally, Asian/Pacific Islanders were commonly found in fighting games as fighters or wrestlers as well as the antagonists in many situations. In many instances, these characters were not player controlled, but were characters within the game set to antagonize the player.

Recent research has also found that violent perpetrators in video games are almost always Caucasian or Asian. Interestingly, research further reports that Caucasian and Asian perpetrators are nearly always presented in a manner suggesting that their aggression is socially acceptable, while perpetrators of other ethnicities are just in their aggression in less than 2% of the violent interactions documented. This research also reports that White and Asian perpetrators are more likely to commit acts of extremely graphic violence than perpetrators of other races.

The importance of these findings comes in the impact that these messages have on the game player. The messages suggest that video games are reinforcing stereotypes present in society today. Race in many instances is not in the foreground of the player's mind, yet, after hours of play the gamer eventually interprets the message that certain characters are superior to others, and no player will choose a character that is easily injured or does not carry appropriate weapons, thus devaluing particular characters.

While research on race and video games has remained relatively absent from the public discourse, the research findings suggest that there is a need for far more research in the area. If video games are reinforcing the racial stereotypes present in society today, these messages are silently re-creating the stratification in the social structure in a manner where the gamer has the power and agency to select out the unattractive characteristics. The impact that this repeated action might have on society is important and significant given the large number of young people playing video games. Further, research has not yet addressed the impact these messages may have on the self-concept of the gamer, especially if the gamer is an individual who identifies with the race or ethnicity of the weaker character. This can be of particular importance if the gamer is playing in a group, leading to comments and critiques of particular characters, though the racial or ethnic implications would remain below the surface, again reinforcing the social stratification of race in American society.

Christine Eith and Kenneth A. Lachlan

See also Media, Print; Media Portrayals of African Americans; Media Portrayals of Asian Americans; Media Portrayals of Latina/o/s; Media Portrayals of Native Americans; Media Portrayals of White Americans; Racism

Further Readings

Bandura, A. (1986). *Social foundations of thought and action: A social cognitive theory*. Englewood Cliffs, NJ: Prentice Hall.

Gegax, T. T., Adler, J., & Pedersen, D. (1998, April 6). The boys behind the ambush. *Newsweek,* pp. 21–26.

Jose, P. E., & Brewer, W. F. (1984). Development of story liking: Character identification, suspense, and outcome resolution. *Developmental Psychology, 20,* 911–924.

Kaiser Family Foundation. (1999). *Kids and media @ the new millennium: A comprehensive national analysis of children's media use*. Menlo Park, CA: Author.

Lachlan, K. A., Smith, S. L., & Tamborini, R. (2005). Models for aggressive behavior: The attributes of violent characters in American video games. *Communication Studies, 56*(3), 313–329.

Sherry, J., Lucas, K., Greenberg, B. S., & Lachlan, K. A. (2006). Video game uses and gratifications as predictors of use and game preference. In P. Vorderer & J. Bryant (Eds.), *Playing video games: Motives, responses, and consequences*. Mahwah, NJ: Lawrence Erlbaum Associates.

VIGILANTISM

The term *vigilantism* emanates from the Spanish word for watchman: *vigilante,* which has its origins in the Latin word for observant, *vigil*. The most basic definition of a vigilante, or vigilantism, is a person or group of persons who take the law into their own hands. Vigilantism is related to race and crime because Whites and minorities often are its victims. In the 19th and 20th centuries, vigilantes were involved in the lynching of

African Americans. More recently, illegal Latina/o immigrants are targeted by vigilantes along the U.S.–Mexico border. This entry briefly describes explanations, types, and examples of vigilantism, including cyber-vigilantism.

Individuals or groups of people may take the law into their own hands for any of a variety of reasons. Some underlying themes are that the vigilante or vigilantes intend to effect some punishment to avenge a wrong committed by someone, to deter future misconduct by a certain person or persons, to carry out personal agendas to protest or enforce existing law, or to incapacitate a person or persons who are perceived by the vigilante or vigilantes to be dangerous to society. Indeed, the motivations underlying vigilantism vary according to the individual or individuals seeking perceived justice. Whatever the reason, vigilantes believe that resorting to force is necessary, and justifiable, because of the perceived refusal or incapacity of government to provide desired protection.

Vigilantism can occur in two main forms: individual vigilantism or group vigilantism. The *individual vigilante* is the one most often portrayed in media such as movies and television, or in video games and comic books. The individual vigilante can also be one who seeks to involve others in his or her plans. *Group vigilantism*, much more common than individual vigilantism, can take either of two main forms: crime control or social control. Group vigilantism for crime control seeks to punish people believed to be guilty of criminal wrongdoing. Group vigilantism for social control seeks to repair some perceived injustice in the social order that affects or threatens to affect the community's values.

Whatever the form, vigilantism in the United States has been a popular response to the perceived failure of the government in protecting or enforcing public safety. Vigilance committees were formed in the South during the 1830s to protect the institution of slavery against dissolution by abolitionists. A vigilance committee was a voluntary group of men (sometimes but rarely including some women) who joined together to defend against an actual or perceived harm to their families or community. These vigilance committees generally targeted the lower socioeconomic class and certain other groups that were actual or perceived threats to the vigilance committee's way of life. Common forms of punishment meted out by the vigilance committees included banishing, harassing, or shunning individuals or groups of individuals, and sometimes involved killing certain perceived or actual offenders.

When the first groups of settlers in this country moved west, there were no criminal justice systems to protect them or to maintain order. Absent such a protective system of law and order, victims of offenses and their friends commonly formed vigilante groups to track down and punish offenders. It is reported that some of our country's bloodiest vigilante movements occurred in the state of Montana from 1863 to 1865, and again in 1884. There are accounts of 65 people being killed by vigilante justice in Montana during these time periods, including a sheriff who was accused of being involved with highway robbers and horse thieves.

A problem with this type of perceived justice is that there is a difference between when a person intentionally commits a crime and when a person accidentally commits a crime. Thus, when vigilantism occurs, the justice being sought is sometimes too swift and certain and does not allow for a full inquest into the particular matter. In other words, the vigilantes are more concerned with punishing or halting certain behavior rather than respecting the due process rights of the accused. However, this raises the problem that one punishment does not always work for or fit various offenses. This is why there is an established governmental system of laws and courts to carefully sort through the evidence and apply the appropriate punishment.

While the laws of the United States generally shun vigilantism, one must remember that vigilantism is not expressly prohibited by law. It is the action taken by the vigilante that rises to the level of a defined crime according to established governmental laws. There is a difference between vigilantism and rebellion or revolution against the government. Revolutionary or rebellion violence is undertaken to overthrow the established governmental order, while vigilante violence is used to restore perceived order and maintain the status quo. Indeed, one must remember that vigilantism, even in its crudest form, equates to the form of a social control device in that it represents a response to deviance, whether such deviance is actual or merely perceived.

When people think of classical vigilantism they usually envision a lynching, with a body hanging suspended by a rope. However, such lynchings became rare as far back as the 1940s. Today's newest vigilantism comes in the form of cyber-vigilantism. Digital vigilantes use computers and the Internet to seek justice against individuals who steal identities electronically, who seek to pursue minor children for sexual purposes through chat rooms on the Internet, or who seek to operate fraudulent businesses and scams through the Internet. Just as with classical forms of vigilantism, however, the perceived offender may not be the actual offender, and the justice administered may be done in such a swift fashion as to trample the due process rights of the accused.

George Coroian

See also Goetz, Bernard; Lynching; Slave Patrols; Slave Rebellions

Further Readings

Brown, R. M. (1975). *Strain of violence: Historical studies of American violence and vigilantism*. New York: Oxford University Press.

Culberson, W. C. (1990). *Vigilantism: Political history of private power in the United States*. New York: Greenwood.

Violence Against Girls

The world watched as Natalee Holloway's story unfolded. The blonde, all-American teenager was abducted while on a 2005 graduation trip in Aruba; she was never found. Recently, another American girl, Phylicia Moore, was found dead on a school trip, this time in Ghana. Moore was Black, and the world hardly noticed. These two cases illustrate what media refer to as "missing White woman syndrome." This entry addresses the intersection of gender and race as it relates to violence against girls. Several subtopics are covered, including maltreatment of girls, dating/sexual and gang violence, global sex trafficking, and race-based crime policies and practices.

Maltreatment

A 2003 report from the Children's Bureau, U.S. Department of Health and Human Services, provides a snapshot of child maltreatment and victimization. Though most abuse goes unreported, conservative figures indicate that nearly 1 million children are victims of abuse or neglect annually. More than half of child victims are 7 years or younger, female, and White. However, girls of minority groups have higher rates of victimization.

According to the Children's Bureau report, with the exception of sexual abuse, rates for male and female victimization are similar: 11.2 and 12.8 per 1,000 children, respectively. The rate of sexual abuse for girls is 1.7 per 1,000, 4 times that for boys (0.4). In most cases, the child victim knew the sex offender. For girls, 29% of the perpetrators were relatives and 60% were acquaintances; estimates place 38% of girls as sexually abused before the age of 18.

Teen Years

Adolescence is a trying time for all teens, but girls face a unique type of violence throughout puberty, including dating or sexual violence and gang involvement. As in adult domestic violence, most teen dating violence involves the abuse of girls by male partners. According to the Harvard Children's Initiative of 2001, 36% of teenage girls and 37% of boys reported some form of physical aggression from dating partners. However, girls reported that boyfriends initiated violence 70% of the time, compared to boys reporting girlfriends as instigators 27% of the time.

Dating violence transcends race/ethnicity, class, and sexual orientation. Gay, lesbian, and bisexual teens are just as likely to experience relationship violence as their straight counterparts. Though all racial/ethnic groups experience dating violence, studies generally demonstrate higher rates among Blacks and lower rates among Asians and Hispanics. Dating consequences, including intimate partner violence, are associated with increased risk of substance abuse, unhealthy weight control behaviors, risky sexual behaviors, early pregnancy, and suicide. Often, young girls are conditioned to think that a relationship with a boy, especially a

popular boy, is the way to status. Sadly, this is frequently true in high schools across the nation, leading to violence being defined as normative and becoming a precursor to the acceptance of violence later in life.

Much like dating violence, sexual violence is a fact of life for many teenage girls. Based on national victimization surveys, experts estimate that 1 in 6 U.S. women are victims to attempted or completed rape sometime in their lifetime. Strikingly, half of all reported date rapes occur among teenagers, and 58% of rape victims report being raped between the ages of 12 and 24. Again, sexual violence occurs across all races, but minority groups are overrepresented. Feminist criminologists such as Meda Chesney-Lind argue that as race and culture collide, stereotypes of "sexual savages" contribute to the acceptance of sexual violence against Black and American Indian women. For example, 19% of female rape victims are Black, while nearly 35% are American Indian or Alaskan Native—numbers that far exceed their population representation.

Approximately 8% of youth identified by police as gang members are female. Though limited in number, gangs pose specific risks for girls. Gang initiations can be particularly brutal—girls may be beaten, sexually assaulted, and/or gang raped. Additionally, girls in gangs face increased risks of unsafe sex, sexual abuse, teen pregnancy, drug abuse, and suicide. Research such as that by Jody Miller shows that female gang members tend to come from families with a high incidence of sexual abuse, domestic violence, and various other family dysfunctions, and minority status is a prominent predictor of female gang membership. Growing up in a context marginalized by race, class, and gender, minority girls are often pushed into gang culture because they feel hopeless about their future. Studies show that about 35% of youth gang members are Black and approximately 48% are Hispanic; one study demonstrates that 87% of Hispanic girls and 30% of Black girls said they were treated as boys' possessions. Girls in gangs often suppress anger, resentment, humiliation, and shame, sometimes becoming violent themselves. Most recently, research suggests that girls are resisting such repression and are forming gangs of their own.

Sex Trafficking

Violence against girls is universal, often taking different forms in various contexts. One extreme example is teen sex trafficking. Sex trafficking is not just a problem that faces poor countries—it is one way that violence against girls is sexualized universally. Trafficking happens in two general ways. Foreigners travel to other countries for sex with very young girls, while up to 4 million women and children are trafficked across the world annually for sex trade. Over the past decade, approximately 750,000 women and children have been trafficked into the United States alone, one half for sexual exploitation with the remaining for domestic servitude and other forced labor.

Although women of all nationalities can fall victim to sex trafficking, the largest source is Southeast Asia, followed by the Soviet Union, and Central and Eastern Europe. Increasingly, sex trafficking is recognized as a modern form of slavery that reinforces gender-, race-, and socioeconomic-based hierarchies. Trafficking in women is a rapidly growing business; just behind guns and drugs, it is the most profitable industry used by organized crime.

Crime Policy

One would hope that violence against any girl would be promptly, adequately, and even-handedly addressed. However, ample evidence demonstrates that both media and the criminal justice system treat girls differently based on race. As the opening paragraph of this entry states, violence against a young Black girl does not receive the same media attention as a young White female victim.

In the same way, crime reform policies are spurred by young White victims. Several examples are noteworthy. The Violent Crime Control Act of 1994 was enacted following the murder of 12-year-old Polly Klaas by an ex-convict. The Violent Crime Control Act, more commonly known as the Three Strikes Law, was passed in the wake of Klaas's highly publicized murder. Megan's Law—named after Megan Kanka, a White girl who was raped and murdered by a multiple sex offender in her neighborhood—requires sex offenders to register upon release from prison. Finally, the AMBER Alert bill, a national alert system for abducted children, was named after a young White girl,

Amber Hagerman, who was raped and murdered after being abducted in Texas. It was the abduction and recovery of Elizabeth Smart, another White girl, that drove the legislation forward.

Regrettably, stories of young minority girls go untold and unheard. For example, little is known of the striking stories of two 7-year-old Black girls who faced similar tragedies. Alexis Patterson was abducted in Milwaukee just months before Elizabeth Smart was kidnapped; Alexis was never found. Sherrice Iverson, raped and murdered while the perpetrator's friend stood by, received slightly more attention, though the case never mustered the same momentum as Klaas's or Hagerman's. Sherrice's Law, which imposed criminal penalties on anyone who witnessed child sexual abuse without intervening, was signed into law in 2007.

The examples of Polly Klaas, Amber Hagerman, Megan Kanka, and Elizabeth Smart are not meant to discount the violence that these young girls suffered. It is, however, useful to examine how images and practices of race, crime, and violence against girls are embedded in American culture, providing stark examples of how deeply race runs throughout the criminal justice system.

L. Susan Williams

See also At-Risk Youth; Child Abuse; Female Gangs; Victimization, Youth

Further Readings

Aldama, A. J. (Ed.). (2003). *Violence and the body: Race, gender, and the state*. Bloomington: Indiana University Press.

Chisholm, J. (2006). Cyberspace violence against girls and adolescent females. *Annals of the New York Academy of Sciences, 1087,* 74–89.

Denmark, F., Krauss, H. H., Halpern, E., & Sechzer, J. A. (Eds.). (2006). *Violence and exploitation against women and girls*. Boston: Blackwell.

Miller, J. (2000). *One of the guys: Girls, gangs, and gender*. New York: Oxford University Press.

Silverman, J., Raj, A., Mucci, L., & Hathaway, J. (2001). Dating violence against adolescent girls and associated substance use, unhealthy weight control, sexual risk behavior, pregnancy, and suicidality. *Journal of the American Medical Association, 286*, 572–579.

U.S. Department of Health and Human Services, Children's Bureau Report. (2003). *Maltreatment of children*. Retrieved from http://www.acf.hhs.gov/programs/cb/pubs/cm03

Violence Against Women

Violence against women, also known as gender-based violence, is a global problem that crosses all levels of society. However, poor women are more likely to be victims of abuse than are women in higher socioeconomic groups. Gender-based violence includes abuse by intimate partners, coerced sex during childhood and adulthood, forced prostitution, female infanticide, and female genital mutilation. The United Nations defines it as physical, sexual, or emotional abuse or suffering of women. Violence against women is a serious public health problem and a violation of human rights. The entry defines violence, provides current U.S. victimization rates, explains the role of power and control, explores theories, identifies interventions, and outlines future research.

According to the Center for Health and Gender Equity (1999) 1 out of every 3 women worldwide has been the victim of abuse or coerced sex. Abuse ranges across countries. Approximately 69% of women in Nicaragua, 58% in Turkey, 56% in Papua New Guinea, 47% in Bangladesh, 45% in Ethiopia, 40% in India, 27% in Canada, and 22% in the United States have reported physical abuse by an intimate partner (spouse or boyfriend). Although these numbers address physical abuse only, it is estimated that about one third of cases also involve sexual abuse. The two most common types of abuse are physical abuse and coerced sex.

In the United States, the focus is on domestic violence, which gained wider public attention in the 1970s during the emergence of the women's movement, when it was often referred to as "wife beating." The 1980s and 1990s witnessed a continued focus on domestic violence. Finally, Congress passed the Violence Against Women Act of 1994 (Public Law 103-322), which was reauthorized in 2000. The act increases prosecutions of crimes against women and provides funding for the National Domestic Violence Hotline, which provides victims access to shelters across the country. In the United

States, violence against women takes the form of stalking, domestic violence, dating violence, and sexual assault. Violence against women affects women of all walks of life, regardless of education, income, social status, race, religion, sexual orientation, or age. Violence against women is about control, domination, and power; typically, it is a means of men's exerting power over women. This is not to say that men or same-sex partners have not been victims of domestic violence, but historical data show that women are more likely to have been victimized by men, and by someone they know.

Domestic violence, also known as domestic abuse, partner abuse, or intimate partner violence, occurs when intimate partners (husbands and boyfriends) attempt to dominate a wife or girlfriend. The perpetrator exerts consistent control over the victim. The key is that a pattern of abuse is established over time. The abuse can be physical, sexual, emotional, and/or economical. Physical abuse includes being hit, kicked, bitten, choked, burned, or kidnapped. Often the women are pregnant. Sexual abuse includes rape and/or sodomy. Emotional abuse includes insults, criticisms, humiliation, intimidation, manipulation, isolation, and threats. Economic abuse involves the control of finances and employment. The goal of the perpetrator, regardless of the mode of abuse, is to maintain and exert power over the victim.

Abuse varies by mode and severity. Some victims suffer mild bruises, or moderate injuries like broken arms, legs, or ribs, while others suffer permanent injuries or disabilities. Approximately 20% to 35% of all emergency room visits by women are the result of domestic violence. In the most severe cases of physical abuse, the injuries result in death or homicide. Sexual abuse or coercion can result in unwanted pregnancies, or in HIV/AIDS or other sexually transmitted infections (in addition to psychological trauma). Victims of emotional abuse have no visible infections or injuries, but the impact can be severe. They usually suffer from low self-esteem, depression, and or post-traumatic stress disorder. In severe cases of depression the women may become suicidal. In general, victims tend to develop negative health behaviors as a coping mechanism, including alcohol and or drug abuse, smoking, risky sexual behaviors, and eating disorders. As for perpetrators, individuals who use drugs or alcohol, were abused as children, witnessed abuse as children, or are unemployed are more likely to abuse a significant other.

Victimization Rates and Cycle

According to the National Violence Against Women Survey, 4.8 million women are physically assaulted or raped annually by intimate partners. Moreover, approximately 50% of children whose mothers are abused are also abused (by either the partner or the mother). This is doubly significant because abused children or children who witness abuse are more likely to become abusers, thus perpetuating the cycle of abuse. On average, three women are killed by their partners each day in the United States. African American women are more likely to be killed by intimate partners than any other race. The data illustrate that domestic violence is a serious problem.

Because domestic violence involves a pattern of control and domination, practitioners in the field often describe it or refer to it as a cycle of abuse. The cycle of abuse consists of three stages or phases: (1) honeymoon, (2) tension building, and (3) acting out. In the first stage, honeymoon, the abuser behaves in a pleasant way, is apologetic, and may deliver on his promises. In some circumstances, the victim starts to believe that the abuse has ended. In stage two, the tension builds up. The abuser may become angry and the victim may feel the need to pacify the perpetrator to avoid further abuse. In stage 3, the perpetrator abuses the victim physically, psychologically, and/or sexually. This is followed by another honeymoon stage, initiating another cycle of abuse. Most women leave and go back to their abusive partners several times before they leave the relationship forever. This process is not to be taken lightly, given that the chances of being murdered by a partner increase exponentially after leaving. To avoid additional abuse or death, victims need to have a solid plan in place to protect themselves and their children.

Theories

The cycle of violence describes the process but does not explain the cause. There are several theories as to why domestic violence occurs in society, some of which focus on individual factors (psychological traits), external factors, and a

combination of psychological and external factors (ecological framework). Psychological theories point to the characteristics of the perpetrator. Specifically, abusers have low self-esteem, have poor impulse control, and may suffer from psychopathology such as borderline personality. In contrast, social theories point to external factors. Specifically, social learning theory postulates that abuse is a learned behavior. For example, individuals who witness abuse as a child become abusers because there are minimal to no consequences for the abuser. This theory explains why abuse is passed down from one generation to the next. Resource theory suggests that the more dependent the partner is on the spouse for economic survival the more likely she will stay in an abusive relationship. Without resources, it is difficult for the woman to survive and feed her children, thus she continues living with the abuser. Other experts view violence as a reaction to social stress. Unable to pay the bills and hold down a job, the man may control his partner or spouse through abuse as a way of attempting to prove his manhood. This may explain why women in lower socioeconomic classes are more likely to experience domestic violence.

The ecological framework combines external and psychological factors to provide a holistic view. The framework contains four concentric circles: (1) individual, (2) family relationship, (3) community, and (4) society. The individual level assesses the background that the abuser and victim bring to the relationship. Specifically, this may include the witnessing of abuse, a rejecting or absent father, and use of alcohol. The family relationship level looks at the immediate abuse within the context of the family unit. At the community level one can see such issues as social isolation from peers, and the influence of the workplace and social networks and their values regarding the role of men and women. Some communities support or condone abuse of women. The fourth level, society, contains the cultural beliefs and norms and economic, social, and religious aspects and influences. By addressing both individual and external factors, the model explains why some societies do not experience violence. Furthermore, it points out that no single factor causes domestic violence, but a number of factors contribute to violence against women.

Prevention and Intervention

In general, women do not report abuse because they do not think the police can help them or that friends and family will believe them. As a result, domestic violence often goes unreported. In order to encourage reporting and prevent violence against women, women need to be educated on the warning signs of abuse. At a minimum, this education should start in high school if not before. In addition, it is critical that young women observe healthy male-female relationships. This is critical to preventing abuse because role modeling socializes women to expect a certain level or standard of behavior from men. Role modeling and educating young women can prevent domestic violence.

In terms of intervention, today there are more than 5,000 domestic violence shelters across the country. The Domestic Violence Hotline provides services 24 hours a day, 7 days a week, 365 days a year. The hotline receives approximately 16,500 calls a month. Women need to know that their reports of abuse will be taken seriously and there is help available. Domestic violence centers, churches, shelters, law enforcement, the courts, social service agencies, and physicians or hospitals respond to domestic violence. To decrease domestic violence it is critical that these organizations collaborate.

Research Directions

Future research on domestic violence in the United States should focus on the attitudes of African American and other minority women. African American and other minority women may report violence to police but are not likely to report it to domestic violence centers or shelters. In other words, they are less likely to use victim assistance. The beliefs and roles of minority women are critical to understanding how to better assist them and meet their needs.

Lorenda A. Naylor

See also Center for the Study and Prevention of Violence; Crack Epidemic; Domestic Violence, African Americans; Domestic Violence, Latino/a/s; Domestic Violence, Native Americans; Masculinity and Crime

Further Readings

Center for Health and Gender Equality. (1999). *Population reports: Ending violence against women*. Retrieved from http://www.infoforhealth.org/pr/l11/violence.pdf

Walker, L. (1979). *The battered woman*. New York: Harper & Row.

Websites

Centers for Disease Control and Prevention, Injury Center: http://www.cdc.gov/ncipc/dvp/IPV/default.htm

Family Violence Prevention Fund: http://www.endabuse.org

National Coalition Against Domestic Violence: http://www.ncadv.org

National Sexual Violence Resource Center: http://www.nsvrc.org

National Violence Against Women Prevention Research Center: http://www.vawprevention.org/index.html

Violent Crime

Violent crime is crime committed by an individual with the threat or use of force upon a victim. The category of violent crime in America includes the following offenses in order of descending severity: murder or nonnegligent manslaughter, forcible rape, robbery, and aggravated assault. Foreign countries categorize violent crime differently. For instance, Australia and Canada include abduction and non-assaultive sexual offenses in their lists of violent crimes, while New Zealand adds group assemblies to its definition of violent crime. Data on violent crime rates in America can be found in the *Uniform Crime Reports* (UCR), which are published by the Federal Bureau of Investigation and the U.S. Department of Justice and include statistics from law enforcement agencies nationwide. In the instance that one criminal commits several offenses, only the most serious offense is recorded.

According to the 2005 UCR data, 1,390,695 violent crimes were committed, with a violent crime rate of 469.2 per 100,000 inhabitants. The violent crime rate peaked in 1991 at 758.2 violent offenses per 100,000 and has since experienced a general decrease. By region, the South has the highest recorded percentage of violent crime (41.9%) when compared with the Northeast (15.5%), Midwest (19.6%), and West (23.0%).

The most severe crime in the category of violent crime is murder, which the UCR defines as the willful killing of a human being by another. Murder statistics are reported through police investigations and do not depend on court convictions. The UCR excludes deaths caused by accident, suicide, negligence, and justifiable homicides from murder classification. In 2005 an estimated 16,692 persons were murdered in America. According to UCR data, males are the most likely victims of murder. In 2005, 78.7% of known murder victims were male. There is no significant difference among murder victims by race; of known murder victims in 2005, 48.7% were White and 48.6 were Black. Regarding murder offenders, 89.9% were males and 52.6% were Black. Where the weapon was specified, firearms were used in 72.6% of murders.

Forcible rape statistics include all those in which force is used to commit rape but exclude non-aggressive offenses such as statutory rape and sexual attacks on males. The UCR recorded 93,934 forcible rapes in 2005 with a rate of 62.5 offenses per 100,000 females. In 2005, 417,122 robberies and 862,947 aggravated assaults were reported to law enforcement.

The violent crime victimization rate for Whites and Blacks has declined in recent years, according to the U.S. Department of Justice statistics. In 2005 Blacks and Whites were assaulted at about the same rate, and similarly, there was no significant difference between rape victims in terms of race. Blacks experienced more violent crime victimization (27) per 1,000 than Whites (20) and people of other races (14), though at 49% apiece, Blacks and Whites were equally likely to be the victim of a murder in 2005. The racial group with the highest rate of violent crime victimization was Native Americans, who were twice as likely as Blacks to be violently victimized.

Research into the causes of violent criminal behavior has given rise to more questions than answers. Regarding a biological origin, no study has yet found a link between genetics and violent behavior. In a groundbreaking study, Clifford Shaw and Henry McKay found a relationship between environment and crime. They noticed that

crime rates tended to be elevated in cities with higher rates of poverty, social change, and disorganization when compared to more affluent cities. Paul Stretesky and Michael Lynch found that airborne lead levels directly affect violent crime rates, which supports earlier research on the effects of lead on delinquency.

Violent Crime and the Media

Violent crime has become a popular commodity for the news and entertainment media, which give the illusion that violent crime is more prevalent than the statistics actually indicate. Studies on the effects of exposure to violent media have not yielded an irrefutable behavioral link between high exposures to violent media and committing acts of violence, though some researchers claim that watching violence increases aggression. There is strong debate regarding the possibility of a specific cause of criminal behavior, but it is more likely that violent behavior is the result of an interaction between a multitude of hereditary, environmental, social, economic, and cultural factors.

Stories about violent crime have become a major focus of news media as well as a popular source of material for the entertainment industry. The news media in particular tend to broadcast and sensationalize a heavy amount of stories involving crime. According to Vincent Sacco, crime is a durable news commodity that is readily available and always appealing to the public. In addition to having dramatic value, especially in the case of a violent crime, crime stories are easy to write and edit and typically lack complexity. The media's focus on crime news has negative effects on audience consumption of crime stories. The fear of victimization unreasonably increases and becomes disproportionate to the amount of crime that is actually committed, so that a moral panic may be the result.

In the contemporary film industry, there is an inclination to glorify violent criminals. Movie studios in the early days of movies were forced to adhere to the Hays Code, which forbade the glamorization of crime through the 1950s, but more recently, violent criminals as portrayed in *The Godfather* (1972), *Scarface* (1983), and *Goodfellas* (1990) have achieved iconic status. In *Natural Born Killers* (1995), director Oliver Stone satirizes the public obsession with serial killers and violent crime.

Doug Evans

See also Fear of Crime; Moral Panics; Social Disorganization Theory; Violent Juvenile Offenders

Further Readings

Sacco, V. F. (1995). Media constructions of crime. *Annals of the American Academy of Political and Social Science, 539*, 141–154.

Shaw, C. R., & McKay, H. D. (1942). *Juvenile delinquency and urban areas*. Chicago: University of Chicago Press.

Stretesky, P. B., & Lynch, M. J. (2004). The relationship between lead and crime. *Journal of Health and Social Behavior, 45*, 214–229.

U.S. Department of Justice, Bureau of Justice Statistics. (2008). *Victim characteristics*. Retrieved from http://www.ojp.usdoj.gov/bjs/cvict_v.htm

Websites

FBI *Uniform Crime Reports*: http://www.fbi.gov/ucr/ucr.htm

Violent Females

In January 2006, a 14-year-old White girl burned down her family's home in Paris, Texas, and received probation. Three months later, a 15-year-old Black girl, Shaquanda Cotton, was sentenced to 7 years for pushing a school hall monitor. These incidents provide a basis for examining the relationship between race and female violence, as well as the myth of the "new violent woman."

Women and Crime

Since 1980, the number of women incarcerated increased at double the rate of men, and much hype surrounds the idea of a "new violent woman." However, women still represent a small percentage of arrests. As of 2007, 107,500 women were

incarcerated, comprising 7% of prison populations. Still, the number of women arrested represented a 7.4% increase for the decade, while male arrests decreased 7.6%.

The percentage change for women, while important, is modest considering the relatively small base, and increases are not due to violent offenses. The most marked increase in arrests for females has been for drug offenses. In 1996, drug arrests for women totaled 142,678, climbing to 202,137 in 2005, a 41.7% increase.

Despite escalating drug-related arrests, some politicians maintain that women are increasingly violent. However, according to the *Uniform Crime Reports,* women make up about 18% of persons arrested for violent crime, with decreasing arrests for murder, rape, and robbery. Female homicide arrests in 2007 decreased 11.8% from 1996. In fact, the female arrest rate for murder declined to its lowest point since 1976: 1.3 per 100,000, compared to 11.5 for men. Other violent crime arrests for women decreased in the past decade, except aggravated assault, which increased 5.4%. In 2007, female offenders made up 20.7% of all arrests for aggravated assault; of those, three fourths victimized other women, and 40% were under the influence of drugs or alcohol.

Experts such as Jocelyn Pollock assert that women's motivations for violence include self-defense, fear, retribution, protection for children, and control. Susan Miller attributes the rise in female assault arrests to domestic violence mandated arrests; others such as Barbara Koons-Witt and Pamela Schram look to the intersection of race, class, and gender to explain discrepancies between White and Black offending rates among women.

Women, Race, and Crime

Research suggests that race is a critical factor in female criminality, demonstrating that Black female offenders are more likely than White counterparts to commit violent crimes and are incarcerated at a rate 6 times higher than White women. In 2007, Black women were imprisoned at a rate of 615 per 100,000, White women at 109 per 100,000, and Hispanic women at 196 per 100,000. The Black-to-White ratio of incarcerated females is 5.6, and the Hispanic-to-White ratio is 1.8. Overall, violent crime rates tend to be higher in lower-income communities.

Numbers fail to tell the full story; one must consider history, culture, and the context in which women live, including prior abuse. Most research on violent females has focused on Black women who murder. In addition to being more likely than Whites to commit homicide, Black women are more likely to be victims of homicide compared to White men and women. In general, female homicides are intersexual and intrafamilial, but Black females are even more likely than White females to offend against friends, acquaintances, and other females. Researchers contend that the disadvantaged position of Black women in the economy and culture elevates their risk of involvement in homicides.

Interestingly, research indicates that arrest rates for non-White women are very similar to those for White men, underscoring the importance of recognizing race, class, and gender as intersectional. Black females are distinctively positioned as victims of race, class, and patriarchal relations. In 15 states, Black women are incarcerated at rates up to 35 times greater than those of White women. In eight states, Hispanic women are incarcerated at 7 times the rate of White women.

Minority women face more obstacles than just race; they are multiply marginalized. They are disadvantaged not only by gender and race but also by their economic position, violent victimization and degradation, and social support systems. Minority women are less likely to have access to coping and survival resources and are even less likely to be emotionally and socially attuned to them. For many minorities, violence is normalized and is often viewed as a survival strategy. Even though women who commit acts of violence are atypical, they are often punished more harshly. To explain this seeming contradiction as well as the generally low rates of violence in women offenders, some scholars point to cultural or socialization theory, where boys are rewarded for aggression and girls punished. Feminist criminologists agree that both socialization and patriarchy are explanations for harsher treatment of girls and women who threaten the status quo.

Conclusion

Women of color who commit violent crime often do so as a response to subordination in a patriarchal and racialized society—as victims who sometimes turn to violence as a survival mechanism. Resources available to White middle-class women are rarely accessible or even known to poor, minority women. What must remain in the forefront of consideration is that "bad" girls and women must be viewed within the social construct of triple minority status.

L. Susan Williams

See also Black Feminist Criminology; Drug Sentencing; Female Gangs; Racialization of Crime; Violent Juvenile Offenders

Further Readings

Koons-Witt, B. A., & Schram, P. J. (2006). Does race matter? Examining the relationship between co-offending and victim characteristics for violent incidents involving female offenders. *Feminist Criminology, 1,* 125–146.

Pollock, J. M., & Davis, S. M. (2005). The continuing myth of the violent female offender. *Criminal Justice Review, 30,* 5–29.

U.S. Department of Justice, Bureau of Justice Statistics. (2008). *Prison statistics*. Retrieved from http://www.ojp.usdoj.gov/bjs/prisons.htm

Websites

FBI *Uniform Crime Reports*: http://www.fbi.gov/ucr/ucr.htm

Violent Juvenile Offenders

A *violent crime* is defined as a crime in which the offender uses or threatens to use violent force upon the victim. These include willful homicide, forcible rape, robbery, and aggravated assault. In many communities across the United States, the number of juvenile offenders has become an important issue, posing problems for juvenile authorities and the public. Youth in Black and Latina/o communities are often depicted as the predominant perpetrators of violent crimes. This entry examines and compares the rates of violent offenses and reviews structural explanations of juvenile violence among communities.

Rates of Violent Juvenile Offending

Although juvenile violence occurs at many different ages, the average age of a juvenile's first court appearance is 14. Behavior problems are known to develop around age 7, and crimes are committed around age 12. Of the various types of violent crimes, murder is the most severe form of all violent crimes. Firearms are used in the majority of the murders committed by juveniles. When the access to obtaining firearms became easier, the rates of murder began to rise. Firearms are more likely to be involved in murders by male offenders than by female offenders and in murders by Black offenders than by White offenders.

The nature of murders committed by juvenile offenders varies by race, gender, and age. A greater percentage of the victims of male juvenile murder offenders are adults than are the victims of female offenders. According to National Center for Juvenile Justice statistics from 2002, adults are typically the victims of 70% of White juvenile murder offenders and 77% of Black juvenile murder offenders. Although 76% of the victims of Black juvenile murder offenders are Black, Black murder offenders are much more likely than White offenders to have victims of another race. Juvenile murder offenders' age and gender are unrelated to the race of the victim. Female juvenile murder offenders are more likely than male juvenile murder offenders to have female victims and to have victims who were family members. Female juvenile murder offenders are more likely than male offenders to commit their crimes alone.

The 1990s saw a dramatic rise in the arrests of juvenile females; increases in girls' arrests dramatically outstripped those of boys for most of the past decade. In 2000, girls accounted for 27% of juvenile arrests, up from 22% at the beginning of the past decade. These shifts bring into sharp focus the need to better understand the dynamics involved in female delinquency and the need to tailor societal responses to the circumstances of girls growing up in the new millennium.

Risk Factors

Research defines risk factors as individual characteristics or factors found in family, school, community, and among peers that place youth at risk for becoming serious violent offenders. It is rare that a single factor can influence a child enough to commit a violent crime; usually more than one factor is needed for violent behavior to occur.

Psychological Factors

There are several psychological aspects that can later lead a child into developing violent behavior patterns. The relationship between hyperactivity and violent behavior later in life has been identified consistently in the research. Having low self-control is a leading cause for becoming hyperactive. Concentration problems are also closely associated with being hyperactive as well. Concentration problems are considered good predictors for violent behaviors as well as poor academic achievement in school. This can lead to frustration and anger within the child, which can cause the child to lash out aggressively. Aggressive behavior that is demonstrated in the earlier years of childhood can strongly predict violent behaviors in the future of that child. Research has shown that early aggressive behavior can be associated with more chronic and serious violence.

The beliefs and attitudes of juveniles can also lead to violent crimes. The control theory argues that beliefs or norms serve as internal controls against violent behaviors. A major attitude change that most children experience throughout their life is their view on substance abuse. Most young children are not involved in drugs and crime, and find those behaviors unacceptable during their elementary years. However, upon entering middle school, these illicit behaviors are more acceptable when others they know begin to engage in these problem behaviors. Attitudes of dishonesty, antisocial beliefs, and even hostility toward police have been known to be strongly associated with juvenile violence.

Family Factors

The family plays a vital role in a child's life, especially as a predictor of violent behavior for children. A parent's criminal history is known to be an influence on juveniles' behavior patterns. Children with criminal fathers are more likely to commit violent crimes later in their lives as compared to children with noncriminal fathers. Research has not discovered if there is a biological link to violence, but it can be assumed that violent behavior is more likely learned within a criminal family. Abuse and neglect are also leading reasons as to why children develop problem behaviors. However, research has found that there can be different outcomes for the variations of abuse. Adults who were physically abused as children were found to be slightly more likely to commit a violent crime as an adult, while a child who was neglected was much more likely to commit a crime of violence as an adult.

Exposure to high levels of conflict or abuse within the home can be harmful to a child's psychological well-being and increase the risk of becoming a juvenile delinquent. The age of the child when witnessing familial conflict can be crucial to his or her behavioral outcomes. Generally, exposure to conflict at the age of 10 may not be as critical, but at the ages of 14 to 16, witnessing high levels of conflict in the home increases the likelihood of violent behaviors. Having delinquent siblings can also influence a child's behavior. Some research has found that delinquent siblings have the most influence during adolescence and typically have a greater influence over girls than boys.

Educational Factors

Poor academic achievement is a factor that is consistently reported with violent delinquent youth. Research has commonly expressed that poor academic performance will increase the likelihood of violent behaviors. Students on low academic tracks in secondary school have been found to be twice as likely to be convicted of a violent crime. In the elementary grades, 20% of the boys with teacher reports of low grades ended up being convicted of a violent crime as an adult, nearly twice the rate found among other students. Problem behaviors can be a result of the child coping with poor education performance by focusing his or her attention on behaviors and off academic progression.

Peer-Related Factors

The behaviors and attitudes of a juvenile's peers can have a major impact on a child's behavioral outcomes. During middle school, children strive to be socially accepted by their peers. The attitudes and beliefs of that particular peer group will more than likely influence an adolescent looking to be accepted by that group. Although delinquent peers influence the violence of youth, peers who disapprove of delinquent behavior have been known to inhibit future violence. A significant issue that is present within peer relations is gang membership. Gang membership has become a growing problem within many areas of the country. This can stem from having problems within the household, often causing juveniles to search for a more stable family type environment elsewhere, typically within gangs. Most gangs promote violent behaviors along with protection and security. The prevalence of gangs has decreased within nonurban communities, but still remains a heavy problem in cities.

Community Factors

Certain circumstances within communities increase the risk of violent behavior among youth. Elijah Anderson, in his ethnographic study *Code of the Street,* traces the ways in which living in a disorganized community can lead to an individual adopting problematic behavioral traits. Growing up in poverty-stricken homes is a significant predictor of violent behaviors from juveniles. Lacking environmental resources is a major cause for crime within urban areas. Living in low-income families increases the likelihood of teen violence and criminal conviction. Poor communities also frequently have low academic success, which can lead to juvenile violence as well. The development of several forms of interventions have resulted from the juvenile delinquent's issues with violence within communities.

Family-Focused Intervention

Family-based interventions are important because most of the problems experienced by juveniles usually begin within the family environment. Family preservation programs are a widely used approach that offers a range of services, such as parent management and life training skills, usually used to help families deal with unemployment and family conflict. Parent management training helps improve a child's behavior by critiquing parenting techniques. This type of program teaches parents better communication skills, responding in positive ways to good behavior and appropriately punishing bad behavior. Family therapy can also help decrease the chances of violent behavior. Parents are commonly taught to use behavioral techniques such as setting clear and specific rules and consequences, use of social reinforcement, and employing a token economy. This technique is primarily used with adolescents and has helped to improve family communication and lower recidivism among delinquent youth.

Child- and School-Focused Intervention

Aggressive children often lack certain cognitive and social skills. This can lead juveniles to fail to read social cues or to believe that violent behavior is acceptable. Social competence training teaches children to increase the use of positive social behaviors, such as conversation skills, academic performance, and behavioral control strategies. Social-cognitive processes, such as problem solving and self-control, are also taught. This approach was used in a violence prevention curriculum for troubled African American youth; those who participated showed improved behavior and fewer school suspensions and expulsions over time.

It is equally important to address the school environment when implementing intervention programs. Programs that focus on school performance and attendance can decrease the chances of adolescents behaving violently. Classroom contingency training is another intervention that attempts to improve student behavior. Parenting techniques are incorporated with the teachers' teaching style to establish a clear set of rules and expectations for the students.

Future Research

A considerable amount of research has been conducted on juvenile delinquents and the factors

that influence their behavior. Reducing the problem of violent juvenile offenders, and producing desired optimal outcomes for troubled juveniles, requires an emphasis on research to identify effective interventions and programs for youth residing in high risk environments. Ongoing critique and analysis of the efficacy of such interventions is also needed to help decrease the rates of violent juvenile behaviors.

Zina McGee and Tiffany Latham

See also Female Gangs; Female Juvenile Delinquents; Violent Females

Further Readings

Anderson, E. (1999). *Code of the street: Decency, violence, and the moral life of the inner city*. New York: Norton.

Farrington, D. P. (1989). Early predictors of adolescent aggression and adult violence. *Violence and Victims, 4*, 79–100.

McCord, W., & Ensminger, M. (1995, November). *Pathways from aggressive childhood to criminality*. Paper presented at the American Society of Criminology, Boston, MA.

Snyder, H. N., & Sickmund, M. (2006). *Juvenile offenders and victims: 2006 report*. Pittsburgh, PA: National Center for Juvenile Justice.

WALKER, ZACHARIAH (?–1911)

On August 13, 1911, a mob of allegedly more than 1,000 people lynched a Black man, Zachariah Walker, just outside of the borough of Coatesville, in Chester County, Pennsylvania. Walker had been accused of killing a security guard, who was also a former local police officer, at a Coatesville steel mill 2 days earlier. Although more than a dozen people were indicted for Walker's murder, none was convicted at trial. The Walker lynching and resulting acquittals of his killers led to widespread criticism of the local community and outrage across the country, resulting in the involvement of the National Association for the Advancement of Colored People (NAACP) in antilynching efforts in the decades ahead.

The Coatesville Events

On the evening of Saturday, August 12, 1911, Walker got drunk and fired two shots from a revolver over the heads of two Polish workers from Worth Brothers Steel Works. The noise attracted the attention of a security guard at the steel mill (called a "company policeman") named Edgar Rice. Rice left the grounds of the Worth Brothers mill and located Walker a short distance away. In the course of arresting Walker, Rice was shot and killed. A posse gathered, and after a lengthy search Walker was taken into custody after allegedly trying to kill himself the following afternoon. Rice, a former Coatesville police officer, was liked and well known in the community. News accounts of the incident failed to mention that Rice—as a security guard—had no legal authority to arrest Walker, as Walker committed no crime in Rice's presence, and that the weapons discharge incident and subsequent arrest of Walker occurred off of Worth Brothers property and outside of Coatesville. Several news accounts mention that Walker claimed that he shot Rice in self-defense, but all made light of the fact that Rice had beaten Walker with his nightstick.

Walker was taken to the Coatesville Hospital, where he was left under the guard of one rookie police officer. News of Walker's capture spread quickly through Coatesville and the surrounding areas, and soon a large mob was parading through Coatesville on the way to the hospital to lynch him, all the while yelling racial epithets directed at Walker. By late evening, the mob had grown to more than 1,000 men, women, and children. They surrounded the hospital, and eventually several went inside and seized Walker, who was cuffed to the bed frame. They grabbed Walker and dragged him—and the bed frame—out of the building, where they were met by a crowd roaring with approval. Walker was then taken a short distance down the road outside the borough where, just out of the jurisdiction of the Coatesville Police, he was heaped upon a fire. What happened next by all accounts was horrific as Walker was burned alive in front of the mob of more than 1,000 onlookers.

News Coverage in *The New York Times*

On August 15, 1911, an article about the Walker lynching was published in *The New York Times,* which at that time was considered the national newspaper of record. The article was remarkable for several reasons. First, it was prominently placed—squarely on the front page, with the headline in the center above the fold. Second, the length of the article was noteworthy—it contained almost 4,200 words. Third, the *Times* published an editorial critical of the barbaric nature of the crime on the very day the first article on the incident appeared in its paper. The editorial stated that nowhere in the country had a man ever been lynched with less justification or with such horror. Fourth, it is striking that on the same day, the newspaper also published several companion stories outlining unrelated incidents of racially motivated crimes across the country, including stories about two lynchings in Oklahoma and the rise of lynchings in the North. Racially motivated crimes of violence were a national concern in the summer of 1911.

Reaction Beyond Coatesville

Outside of Coatesville and across the country, there was a great deal of discussion and commentary about the Walker lynching. What distressed people beyond the horror of the lynching itself was a fear that what happened in Coatesville meant that lynching as a practice might be ready to establish itself outside the backwoods South. The lynching of Walker was a major event in the life of the then-fledgling NAACP. In response to a wave of racial violence spreading to northern states, NAACP leaders reacted swiftly to the Walker lynching in Coatesville. The association's response in the Walker case foreshadowed the efforts of the NAACP during much of the 20th century in terms of investigations, assisting with prosecutions, holding community-based protest meetings, and the relentless pursuit of civil rights remedies in the law. John Jay Chapman, a New York essayist, was so infuriated with the Walker lynching and the subsequent failure to convict anyone for killing Walker that he rented a church hall in Coatesville on the first anniversary of Walker's death. There he gave a speech, billed as a prayer meeting, even though only two people showed up to hear him speak. The speech was later published in *Harper's Weekly*.

The national press coverage of the Walker case in *The New York Times* was important. The local newspaper, the *Coatesville Record,* was not truthful in reporting the events surrounding the lynching of Walker. In the months following the lynching, numerous individuals were charged with Walker's murder, but Chester County juries acquitted each of them. Outside of Chester County, there was widespread condemnation of each of the acquittals. Continuing coverage by the national press served to monitor the local press and educate the country on the existence of racially motivated crimes of violence and jury nullification.

Postscript on the Walker Lynching

Almost a century after Walker's death, in December 2006, the Pennsylvania Historical and Museum Commission placed a historical marker at the site of the 1911 lynching. The marker is located on Route 82 South, approximately one-quarter mile south of the Coatesville borough line in Chester County, Pennsylvania.

Philip Matthew Stinson, Sr.

See also Lynching; National Association for the Advancement of Colored People (NAACP); Racial Conflict

Further Readings

Chapman, J. J. (1912). Address at a prayer meeting in Coatesville. *Harper's Weekly, 125*.

Downey, D. B., & Hyser, R. M. (1991). *No crooked death: Coatesville, Pennsylvania, and the lynching of Zachariah Walker*. Chicago: University of Illinois Press.

Goldman, E. F. (1964). Summer day. *American Heritage*, *15*(4), 50–53, 83–89.

Ward, Benjamin (1926–2002)

Benjamin Ward's route to becoming New York City's first African American police commissioner

on January 1, 1984, is more than the traditional story of starting as a police officer and rising to the top job. Along the way he overcame the hostility of White colleagues and achieved a number of firsts in New York City and New York State criminal justice agencies.

Early Years

Ward was born August 10, 1926, in Brooklyn, New York's African American Weeksville section. He was the 10th of 11 children of a 78-year-old White laborer father and a younger Black mother who worked as a domestic to support the family after his father died; only he and four siblings survived illnesses to reach adulthood. To help with expenses, Ward worked shining shoes and as a delivery boy. Although Ward had avoided the police, crossing the street when he saw an officer even though he had done nothing wrong, his views began to change when, at age 15, he won a citywide essay contest that awarded him the job of police commissioner for a day.

He graduated in 1944 at the top of his class from Brooklyn's Automotive Trades High School and drove a truck until he was drafted into the U.S. Army, where he served as a military police officer and a criminal investigator in Europe for 2 years. Returning to Brooklyn, he held a series of jobs and, seeking to better himself, took numerous civil service tests, including for the New York City Police Department (NYCPD). Because his career choices were limited by his vocational degree, he began working in the Department of Sanitation. During this period, he completed courses to attend the City University of New York (CUNY), which was then tuition free for New York City residents.

Criminal Justice Career

While in college, on June 1, 1951, Ward entered the NYCPD. He had attained the third highest score of the 78,000 test takers that year. A misunderstanding while he was working at the Brooklyn Navy Yard almost ended his career before it began. Ward had refused to fraudulently punch someone else's time card, resulting in an argument that ended with his foreman calling the military police to remove him from the navy yard. A day later, arrests for extortion at the yard received local press coverage. Ward kept copies because he had argued with some of those arrested. Unknown to him, he had been charged with inciting to riot and assault on government property; a report in his personnel folder surfaced while he was attending the Police Academy, and his applicant investigation was being completed. Once this was resolved, he became the first African American patrolman assigned to Brooklyn's 80th Precinct, where he faced hostility from White residents and White colleagues. At work, he was denied a locker and forced to commute to work via public transportation in full uniform for his first three years as a patrolman.

Despite this poor reception, he continued his studies and his mastery of the civil service process. Ward passed the tests for sergeant and lieutenant quickly. Upon promotion to sergeant, he was placed in charge of a precinct's youth aid squad; he also worked in patrol and as a detective. He graduated at the top of his class from CUNY's Brooklyn College in 1960 and, although he had wanted to become a sociologist, attended Brooklyn Law School when he won a scholarship. With additional scholarships, he graduated with top honors in 1965. This led to an assignment in the NYCPD's legal bureau, where lawyer/police officers and civilian attorneys developed policies based on court decisions and served as the department's in-house legal firm.

Ward, a tall, broad-shouldered, outspoken man whose comments often drew him into the city's racial politics, was next tapped to serve as special counsel to Police Commissioner Howard R. Leary, a non–New Yorker selected by Mayor John V. Lindsay primarily because he was amenable to a civilian review board. The all-civilian board was defeated in 1966 in a referendum supported by the police unions and was replaced by the Civilian Complaint Review Board, made up of police rather than outside employees. Ward's first high-level appointment was as executive director of the Civilian Complaint Review Board in early 1969. Two years later he was named a deputy police commissioner assigned as chief hearing officer for all disciplinary matters and then deputy commissioner for community affairs. Ward was the first

African American to serve in that position. Racial issues continually followed Ward; he was criticized by many, particularly police officers, in 1971 for apologizing to Nation of Islam leader Louis Farrakhan after a police officer was shot and killed in a Harlem mosque that officers had entered with drawn guns.

In 1973 Ward left the NYCPD when Lindsay appointed him traffic commissioner. Under his tenure, uniformed traffic controllers, mostly women known as "meter maids," began directing traffic, freeing police for patrol duties. A year later, Lindsay selected Ward to lead the Pretrial Services Agency of the Vera Institute of Justice, an agency created to perform bail risk evaluations designed to allow those arrested for nonviolent, misdemeanor offenses to be released for a later court date as a way to help reduce backlogs in New York's criminal courts.

In 1975, Ward left New York City for the only time in his 40-year career, when Governor Hugh L. Carey named him the state correctional services commissioner. He was the first African American to lead the 12,000-person agency, whose employees were responsible for about 20,000 inmates and an equal number of parolees. In 1977, over Ward's objections and testimony to the State Senate's Crime and Corrections Committee, legislators severely curtailed temporary release programs after three highly publicized cases of inmates fleeing overshadowed the more than 3,000 successful participants in the program.

Mayor Edward I. Koch lured Ward back to the city, appointing him to the first of three posts he held in Koch's administration. In 1978, Ward was named chief of the New York City Housing Authority Police, then a 1,700-person separate agency from the NYCPD that was the fifth largest police department in the state. The agency provided all policing for the 600,000 residents of the Housing Authority's more than 250 developments. A year later, Ward became commissioner of the New York City Correction Department, the largest municipal detention system in the nation. During Ward's tenure, escapes decreased and the number of employees increased. As he had as traffic commissioner, Ward instituted administrative reforms, including a new inmate classification system.

Police Commissioner

Ward remained as correction commissioner until he was sworn in as the city's 34th, and first African American, police commissioner. Rarely afraid of controversy, Ward invited two critics of the NYCPD to his public swearing-in: Representative John Conyers, Jr. (D–MI), who had chaired congressional subcommittee hearings into allegations of police brutality against Blacks and Hispanics, and the Reverend Herbert Daughtry, a Brooklyn clergyman often critical of the police. During Ward's tenure, the NYCPD, the nation's largest police department, faced increasing crime rates attributed to the crack cocaine epidemic, which hampered his efforts to introduce community policing styles into the department. His tenure was also a time of racial unrest in the city, highlighted by the subway shooting of four Black youth by Bernhard Goetz; the shooting of Eleanor Bumpurs, an elderly Black woman in the Bronx by White police trying to enter her apartment; and the death of a Black man, Michael Griffith, chased by a White gang onto a highway. Ward, who said that Bumpurs reminded him of his grandmother, also said he doubted he would have shot her had he been one of the responding officers.

The percentages of Black, Hispanic, and female officers increased during Ward's 5-year tenure as police commissioner. In 1987 Ward urged the city to add a residency requirement to its hiring policy, which would likely have further increased the percentages of minority officers. The suggestion was not enacted, but Mayor David Dinkins, the city's first African American mayor, urged the city's personnel department to add 5 points to the written scores of city residents who passed the test, a policy that continues despite challenges from applicants who reside outside the five boroughs that make up New York City.

Ward retired on October 22, 1989, citing his chronic asthma, large pension awaiting him, and the desire to avoid any potential scandals. He remained active in New York's criminal justice community, teaching at Brooklyn Law School and John Jay College of Criminal Justice (CUNY) in New York City and serving on numerous boards. Ward was found unconscious at his home on June 7, 2002, and died 3 days later at the age of 75. He was survived by his wife of 46 years, Olivia

(Tucker) Ward, a retired public school principal; two sons and three daughters; and nine grandchildren and two great-grandchildren.

Although a life-long New Yorker whose accomplishments were all within the city or state, Ward received national attention as the first African American in at least two positions he held, especially his role in breaking the racial barrier to serve as the city's police commissioner. Possibly because so much of Ward's early success was due to civil service, he often reminded young people to check federal and city job listings and bulletin boards for test schedules and other job opportunities and stressed the value of education in overcoming poverty and discrimination.

Dorothy Moses Schulz

See also Police Accountability; National Organization of Black Law Enforcement Executives; Vera Institute of Justice

Further Readings

Abel, R. L. (2006). *The Black Shields*. Bloomington, IN: AuthorHouse.

Buder, L. (1984, January 6). Ward sworn in, and top police critic is guest. *The New York Times*, p. A1.

Dulaney, W. M. (1996). *Black police in America*. Bloomington: Indiana University Press.

Gorta, W. J. (2002, June 11). Ex-top cop Ward dies; NYPD's 1st Black commish was 75. *The New York Post*, p. 30.

Martin, D. (2002, June 11). Benjamin Ward, New York City's first Black police commissioner, dies at 75. *The New York Times*, p. 27.

New York Correction History Society. (n.d.). *In memoriam—Benjamin Ward*. Retrieved from http://www.correctionhistory.org/html/BenWard/wardtoc.html

Travis, J. (2007, November 18). Watch and release. *The New York Times*, p. 11.

Ward, B. (2002, July 8). New York's first Black police commissioner dies. *Jet*, p. 15.

War on Drugs

The War on Drugs refers to the effort since the 1970s to combat illegal drug use by greatly increasing penalties, enforcement, and incarceration. It began with the efforts of conservative Republicans to capture the historically democratic South during the late 1960s. Nixon led this attempt to attract White voters by having the federal government take the lead in the War on Drugs and crime control, and the implementation of the policies was carried further by the Reagan administration. Like earlier drug legislation and the enforcement of drug laws, the War on Drugs was characterized by racial and ethnic bias. The astronomical increase in funding initiated during the Reagan administration brought a dramatic increase in incarceration rates, particularly of Blacks and Hispanics; erosion of civil liberties; discriminatory practices in policing; racial differences in sentencing and incarceration; and the emergence of a large drug/prison/treatment complex. The War on Drugs has led to international efforts to control drug production and trafficking and to increasingly intrusive practices. Based largely upon myth and legend, it has had a devastating impact on the U.S. economy and poor, largely minority communities. An alternative to the failed war is the "harm reduction" approach.

History

In the 1960s the civil rights movement, backed largely by Democratic leaders, resulted in the passing of historic civil rights legislation, eliminating long-standing segregation laws, mainly in the South. However, the rising expectations of Blacks in northern states were largely unmet. Riots took place in many northern cities. An unpopular war in Vietnam, college student protests, and recognition of great poverty in the United States led to more protests and conflict. The Republicans capitalized on this, and Nixon won the 1968 presidential election. While a Democratic president had declared a war on poverty in the mid-1960s, President Nixon declared war on crime and called for law and order. "Law and order" became a catch phrase for stopping protests and cracking down on Black crime and violence. In 1971, Nixon identified drug abuse as "America's public enemy number one." The Law Enforcement Assistance Administration grew dramatically under Nixon, with federal drug enforcement resources climbing from 65 million in 1969 to 719

million in 1975. The various community and social programs of the Democratic Party's "Great Society" in the 1960s gave way to a punitive crime control strategy with drugs as a key element. Although crime control is primarily a state and local matter, the federal government had an established place on drug control through federal laws. As the War on Drugs greatly escalated, President Reagan characterized the poor, particularly Blacks, as lazy, referred to "welfare Cadillac moms," and identified illegal drugs as public enemy number one. This led to massive funding for both federal and state law enforcement, plus a massive increase in arrests, correctional institutions, and imprisonment based upon new, more severe penalties.

Race

Historically, race and ethnicity have played a central role in drug legislation, with concerns raised about the Chinese and opium, Blacks and cocaine, and Hispanics and marijuana. Racism and stereotypes were crucial in these antidrug campaigns. This was also true during Prohibition, when images of "drunken negroes" in the South and "drunken immigrants" (particularly Irish Catholics) in the North fueled the effort to ban alcohol. However, the War on Drugs has led to even more dramatic racial and ethnic disparities. Over half of federal and state inmates today are minorities. About 30% of all young African American men in the United States are under correctional supervision on any given day. Although the majority of crack users are White, nearly 80% of sentenced crack offenders are Black, and approximately 10% are Hispanic. The Black incarceration rate nearly tripled between 1980 and 2000 and is now over 8 times that for non-Hispanic Whites. Native Americans are also disproportionally represented by a figure approximately 10 times that for non-Hispanic Whites.

These racial disparities are a product of differential law enforcement, discrimination in the courts, and statutory differences. Racial profiling was promoted by the federal government in the 1980s to go after illegal drug users. Under "Operation Pipeline," officers were trained to look for minorities, particularly Blacks, in pursuing illegal drugs. Also, the great bulk of drug enforcement efforts have been directed at poor, inner-city, largely Black and Hispanic communities. Given the open air nature of the drug exchange, it is easy to make arrests. Police corruption and abuse of power have often been found to be related to drug law enforcement, as it was with enforcement of Prohibition era laws on alcohol. Study after study shows that African Americans are more likely to be arrested for illegal drugs, prosecuted, convicted, and sentenced to incarceration, compared to Whites. This research suggests that the cumulative effort of discrimination at every stage leads to the highly racialized U.S. correctional population.

Crack cocaine has carried a penalty much harsher than that of powder cocaine. Crack is more commonly used by low-income people, because powder is more expensive. Selling 1,000 grams of powder cocaine receives a 10-year mandatory sentence, whereas selling only 10 grams of crack receives the same sentence. Most powder cocaine users are White, middle and upper class and are rarely arrested, prosecuted, convicted, and sentenced. Although most crack users are poor Whites, over 80% of convicted crack inmates are Black. This is due to differential laws, law enforcement, and stereotypes. During the 1980s, media publicity created the myth of an "epidemic" of crack babies resulting from drug use by Black addict mothers. This led to mandatory reporting laws and further criminalizing of Black women. Subsequent research showed that this was a classic "moral panic" based upon mythology and stereotypes; the harmful effects of prenatal use of nicotine and alcohol are much more prevalent. Nonetheless, the myth led to policy that further damaged poor Black women.

Another reason for the racial disparity in drug enforcement is that illegal drugs have become an important part of many low-income, inner-city neighborhood economies. The illegal drug trade has created financial opportunities for marginalized minorities, as did the illegal alcohol trade during Prohibition. Part of the money goes back into the community through expenditures for rent, food, entertainment, goods, and services. In such communities, drug busts and arrests are easy to make; there is always another person ready to take the place of an arrested drug dealer.

Over the past several decades the United States has spent billions of dollars each year to fight illegal

drugs nationally and internationally. Thousands of jobs in law enforcement have been created and others in the courts and in corrections. Mandatory drug treatment has led to scores of treatment programs. Drug forfeiture laws have created incentives to pursue the War on Drugs in order to obtain money for further enforcement. While illegal drug use has decreased among the general population since the 1970s, there is little indication that this is due to enforcement policy.

As many observers have noted, a focus on supply and policies emphasizing punitive methods has a limited effect on drug availability and use. This apparent lack of a deterrent effect may be one reason why most other Western democratic countries have not pursued the extreme punitive approach toward illegal drugs that the United States has pursued.

Consequences of the War on Drugs

Critics of the War on Drugs argue that it has resulted in significant violations of human and civil rights, particularly among the poor and minorities. In an effort to get tough on crime, politicians have enacted laws that change the balance between the right of the citizens and the procedural laws that guide law enforcement. These new laws, or new interpretations of old laws, while aimed at the criminal, may also reduce the freedom of law-abiding citizens.

For example, drug dealing is a cash business; drug dealers do not use checks and credit cards because the paper trail would lead to their arrest and conviction. Money used in drug deals can be confiscated by law enforcement officers without their having to prove it was actually used to buy drugs. Asset forfeiture laws allow law enforcement agencies to keep money and property without the accused being charged of any crime. Many people innocent of any crime and without intention of engaging in behaviors harmful to society are stopped, and large amounts of their cash may be taken by law enforcement authorities based simply on some stereotypic profiles of what drug dealers look like. These profiles have an impact on youth and minorities, and the burden of proof then falls on them to prove the cash is not to be used for drugs. This is extremely expensive and difficult to accomplish, and the result is that law enforcement agencies end up with a great deal of cash and property.

Another criticism of the War on Drugs is that the use of intrusive searches has diminished the rights to privacy and freedom. The Supreme Court has expanded the ability of government agents to intrude on the privacy of citizens through search and seizure and increased surveillance, in rulings that validate aerial surveillance; searches in airports without probable cause of people who fit a drug-courier profile; warrantless searches of automobiles and inside compartments; surveillance of suspects with electronic devices placed inside cars, briefcases, or trunks; the acquisition of warrants to search private homes based on anonymous tips; police inspections of bank records without customer consent; and the reading and inspecting of contents of a person's trash without warrant or probable cause.

Limitations on the freedom of speech have been established in order to facilitate detection of drug offenses. For example, advertising in a pro-marijuana magazine such as *High Crimes* has led to legitimate businesses being targeted by the U.S. Drug Enforcement Administration for investigation. There is a long history of the government attempting to intimidate those who question the War on Drugs. In the 1960s, renowned criminologist Alfred Lindesmith was visited by agents from the Federal Bureau of Narcotics because of his critical research and writing on drug policy. A well-known advocate of legalizing marijuana was arrested in Vancouver, British Columbia, Canada, in 2007 and extradited to the United States by the U.S. Drug Enforcement Administration. This was due, in part, to his outspoken criticism of U.S. drug policy. Because criminals use banks to turn their profits into legitimate assets, banks are under constant pressure to cooperate with law enforcement officers attempting to detect money laundering. The government can freeze bank accounts of persons whom they suspect of illegal activities. Critics argue that this policy reverses the principle that one is innocent until proven guilty, as accounts can be frozen on the basis of suspicion alone, and assets may be tied up for months or years during the legal process.

The exclusionary rule prohibits the use of evidence in criminal cases if that evidence was not

obtained legally. The Anti-Drug Abuse Act of 1988 eased this restriction, allowing flawed evidence to be used if it was gathered by law enforcement officials in good faith. Case law in recent decades has established exceptions to the exclusionary rule that allow illegally obtained evidence to be presented.

The War on Drugs has captured the imagination of the public to such an extent that procedures that would have been dismissed as outrageous a generation ago are accepted today to ensure public safety. Drug testing of prisoners, employees, athletes, and students has become widespread in American society. From a legal point of view, drug testing is problematic because of the Fourth Amendment right against unreasonable search and seizure. Drug testing in some contexts, such as testing airline pilots for intoxication, is generally accepted; however, other types of testing are more controversial. For example, student athletes may be subject to drug testing based simply on their status as a team member. Opponents argue that such policies negate the presumption of innocence and require students to prove their conformity to school drug policies. While most people agree that schools should be free of drugs, the zero tolerance programs imposed by some schools and universities require resources to be directed away from academic and student service activities toward enforcement efforts whether or not there is a demonstrated drug problem.

Drug testing in the workplace is a technique used by employers to enforce company drug policies. In some cases, undercover private security agents pose as workers attempting to buy drugs in order to detect drug use at the workplace. Again, there is a legitimate need for corporations to ensure a safe and healthy work environment for all employees, but the lengths to which some companies have gone to detect unlawful behavior, even when they have no reason to suspect it, are questionable in a society that values individual liberties.

Other concerns raised about the War on Drugs include the possibility that it increases distrust and cynicism regarding law and the criminal justice system and that it fosters militarization of civil society: the military rhetoric, the actual use of the military, and the quasi-military nature of civilian programs used to deal with domestic crime—for example, use of the military to attempt to seal the borders to stem the influx of drugs and illegal immigrants, the use of the National Guard and Army Reserve units to detect and destroy the domestic marijuana crop, and the use of the military model of discipline in boot-camp prisons.

Harm Reduction: An Alternative Approach

Harm reduction has been proposed an alternative basis for drug policy. The harm reduction approach begins from the premise that consciousness-altering substances have been used in all known societies in which they are available and that some drug use is inevitable. Furthermore, this approach suggests that not all drug use is personally or socially harmful. Harm may be a result of the social context in which drugs are used or the policies that prohibit their use. The harm reduction perspective suggests that one of the most effective ways of minimizing both the primary and secondary harm associated with drugs is by addressing the social conditions that underpin the most serious drug problems. A substantial body of research demonstrates that the distribution, seriousness, and consequences of drug abuse are shaped by social conditions. It is clear, for example, that those who have a stake in "conventional life" are much better able to establish control over their drug use and are more likely to benefit from treatment programs. There is also evidence that the impact of drug use by pregnant women on fetal health is mediated by diet, prenatal care, and other factors associated with social class. In other words, ensuring that all pregnant women have access to health care and sound nutrition during their pregnancies would help minimize the potentially adverse effects of drugs on their babies, both legal and illegal.

Dramatically reducing the reliance upon the criminal justice system in dealing with drug abuse might also reduce both primary and secondary drug problems. Making drug treatment more available and getting drug users out of the criminal justice system not only would reduce the size and expense of the system but would also encourage people with drug problems to seek help rather than go underground. The United States spends billions of dollars each year on the War on Drugs, but little of it is spent on treatment.

Although nearly half of Americans believe that possessing marijuana should not be criminal and one third favor legalization, there are powerful interests opposed to the harm reduction approach. Nonetheless, there are increasing efforts to end the War on Drugs from a wide range of groups, including Law Enforcement Against Prohibition, Families Against Mandatory Minimum, and National African American Drug Policy Coalition. Many states are reevaluating drug penalties and policies such as mandatory minimums, increased incarcerations, and felony disenfranchisement.

There are also small signs of a growing willingness to focus more explicitly on race, such as the formation of a coalition of African American professional organizations dedicated to drug-law reform and public-health alternatives. More significant has been the recent and growing movement to encourage legislatures to produce racial-impact assessments. Such assessments are crucial to discover the de facto impact of the United States' so-called color-blind laws and policies.

Charles E. Reasons

See also Cocaine Laws; Crack Babies; Crack Mothers; Decriminalization of Drugs; Drug Dealers; Drug Sentencing; Drug Trafficking; Drug Use; Mandatory Minimums; Media Portrayals of African Americans; Media Portrayals of Asian Americans; Media Portrayals of Latina/o/s; Media Portrayals of Native Americans; Media Portrayals of White Americans; Moral Panics; Profiling, Racial: Historical and Contemporary Perspectives; Racialization of Crime; Three Strikes Laws; Zero Tolerance Policies

Further Readings

Beckett, K., & Sasson, T. (2003). *The politics of injustice: Crime and punishment in America* (2nd ed.). Thousand Oaks, CA: Pine Forge Press.

Human Rights Watch. (2008). *Targeting Blacks: Drug law enforcement and race in the United States*. New York: Author.

Kappeler, V., & Potter, G. W. (2005). *The mythology of crime and criminal justice* (4th ed.). Long Grove, IL: Waveland Press.

King, R. S. (2008). *Disparity by geography: The War on Drugs in America's cities*. Washington, DC: The Sentencing Project.

Lusone, C. (1991). *Pipe dream blues: Racism and the War on Drugs*. Boston: South End Press.

Miller, J. (1996). *Search and destroy: African American males in the criminal justice system*. Cambridge, UK: Cambridge University Press.

Musto, D. (1999). *The American disease: Origins of narcotic control*. New York: Oxford University Press.

Provine, D. M. (2007). *Unequal under the law: Race in the War on Drugs*. Chicago: University of Chicago Press.

Torry, M. (1995). *Malign neglect: Race, crime and punishment in America*. New York: Oxford University Press.

Valentine, D. (2004). *The strength of the wolf: The secret history of America's War on Drugs*. London: Verso.

Walker, S., Spohn, C., & DeLone, M. (2007). *The color of justice: Race, ethnicity, and crime in America* (4th ed.). Belmont, CA: Wadsworth.

War on Terror

The War on Terror continues to garner attention from the media and numerous individuals and organizations that have a vested interest in its outcome. This was brought to the forefront with former President George W. Bush declaring the War on Terror, against al-Qaeda, an international alliance of Islamic militant terrorist organizations founded in 1988 and led by Osama bin Laden. Al-Qaeda has attacked civilian and military targets in various countries and is said to be responsible for the September 11, 2001, attacks against the United States, which prompted the president to make his declaration. Al-Qaeda has also been designated as a foreign terrorist organization by the U.S. State Department. Following President Bush's declaration, the U.S. government launched a military and intelligence campaign against al-Qaeda. The War on Terror is not an exclusive label attached to the military response, but rather it is the action addressing the prevention, detection, and response to acts of terrorism. This entry examines issues brought forth because of the War on Terror and ways in which race has played an integral part in the outcomes of the War on Terror.

Legislation

On September 18, 2001, the U.S. Congress passed the Authorization for Use of Military Force Against Terrorists ([AUMF] Public Law 107-40). The AUMF allowed the president to use whatever means necessary to bring those responsible for terrorism to justice. This allowed the U.S. Armed Forces to actively engage in the War on Terror, which in this case meant declaring war on Iraq. However, the engagement against Iraq was not the only result of the president's declaration against the War on Terror; it has also led to additional legislation and court cases, and it has created much controversy.

One of the most notable pieces of legislation that emerged in the War on Terror is the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act) of 2001, which was passed by Congress just 45 days after the September 11 attacks, with very limited debate. Critics of the Patriot Act point to significant flaws in this legislation, including threats to fundamental freedoms resulting from government access to medical records, tax records, and library user records about the books bought or borrowed, without probable cause. They have also criticized the authorization of governmental searches of homes without notification that the search was carried out. However, two provisions of the Patriot Act that allowed such searches and intelligence gathering were subsequently struck down on the grounds that they violated the Fourth Amendment's prohibition against unreasonable searches and seizures.

The PATRIOT Act was reauthorized by two subsequent bills. The first, the Patriot and Terrorism Prevention Reauthorization Act of 2005, reauthorized provisions of the PATRIOT Act and the Intelligence Reform and Terrorism Prevention Act of 2004. It created new provisions dealing with the death penalty for terrorists, the enhancement of security at seaports, new measures to combat the financing of terrorism, new powers for the Secret Service, and a number of other miscellaneous provisions. The second reauthorization act amended the first and was passed in 2006. Patriot Act II expanded the reach of government agencies.

The President's National Strategy for Homeland Security of 2007 was created to "guide, organize, and unify our Nation's homeland security efforts." Among several goals, a key point of the National Strategy for Homeland Security of 2007 was to prevent persons or groups from recruiting and radicalizing individuals in the United States.

The U.S. military and local, state, and federal law enforcement have relied heavily on technology in the War on Terror. The increased use of technology in counterterrorism efforts has reduced the role of human intelligence, an important component of intelligence gathering.

Criticisms of the War on Terror

Critics argue that the War on Terror has led to abuses of power by the U.S. government, especially the executive branch, and that it has legitimated decisions, such as declaring war on Iraq, that would otherwise lack support. Others maintain that because there is no way to eliminate terrorism completely, the War on Terror is merely rhetoric that has led to what some believe is a permanent state of war and that has encouraged legislation reducing and ultimately infringing on the rights of Americans.

Because of its focus on al-Qaeda and its connection to Islam, the War on Terror has led to adverse actions not only against Muslims but also against persons of Middle Eastern descent and those traditionally assumed to be Muslim. A significant criticism of the War on Terror deals with the USA PATRIOT Act and the increasing powers given to law enforcement through a broad and sweeping justification for what appears to be racial profiling. Historically used in association with African Americans, racial profiling has become increasingly and more recently associated with those of Middle Eastern descent. After 9/11, law enforcement publicly arrested hundreds of Muslims as a way to show the world it was taking a stand against terrorism. In fact, many of the arrestees were not even given the reason for their arrest.

The War on Terror may remain a contentious issue for generations to come, and the balance between preserving civil liberties and protecting the United States may continue to be blurred.

Kathryn Scarborough and Kelli Frakes

See also Profiling, Ethnic: Use by Police and Homeland Security; Profiling, Racial: Historical and Contemporary Perspectives

Further Readings

Ahmed, N. M. (2005). *The war on truth: 9/11, disinformation, and the anatomy of terrorism*. Northampton, MA: Olive Branch Press.

American Civil Liberties Union. (2003). *Safe and free: Restore our constitutional rights*. Retrieved January 2, 2008, from http://www.aclu.org/safefree/resources/17343res20031114.html

Carr, M. (2006). *The infernal machine: A history of terrorsim*. New York: The New Press.

Corum, J. (2007). *Fighting the war on terror: A counterinsurgency strategy*. St. Paul, MN: Zenith Press.

Homeland Security Council. (2007, October). *National strategy for homeland security*. Retrieved from http://www.whitehouse.gov/infocus/homeland/nshs/NSHS.pdf

Laqueur, W. (2004). *No end to war: Terrorism in the twenty-first century*. New York: Continuum.

Wells-Barnett, Ida B. (1862–1931)

Ida B. Wells-Barnett—teacher, journalist, feminist, human and civil rights activist—was one of America's most courageous champions for social justice. In the 1890s, Wells-Barnett launched a campaign that called the attention of the nation and the world to the horrors of lynching. Wells-Barnett, a former slave, exposed the crassest dimensions of American racism, as well as the myth of freedom, equality, and justice for all.

Early Years

Ida Wells was born on July 16, 1862, in Holly Springs, Mississippi. Her mother, Lizzie Bell, was a slave. Her father, James Wells, was the son of a slave and her White master. Fortunately, James's father-master gave his son favored treatment, teaching him to read and write. James Wells understood the importance of knowledge and encouraged Ida and her six siblings to value education. Lizzie and James Wells also instilled their children with strict Christian values: piety, honesty, and integrity. The Wells children were taught to look out for the poor and do God's work on earth.

Ida heeded her parent's call to proper conduct and education. She attended school and showed a keen interest in learning. But life took a hard turn in 1878. A yellow-fever epidemic took both of her parents and her younger brother. Ida was left, at the age of 16, with the responsibility of caring for five younger siblings. Ida was resourceful. She secured a teaching position at a rural Black school by convincing the principal that she was 18. When Ida's siblings were old enough to care for themselves, she moved to Memphis, Tennessee, to live with her aunt. Ida was not a certified teacher, so she was forced to take a position, once again, as a teacher at a rural Black school. When she was certified, she secured a position at a Black school in Memphis, teaching there from 1884 to 1891.

Wells's first encounter with legal activism took place on May 4, 1884. She was traveling on a first-class train ticket to Nashville, where she was taking classes at Fisk University. Wells boarded the train and chose a seat. The conductor quickly informed her she was in the "Whites only" section and would have to move to the "Negro car." Wells refused. When the conductor tried to use force, she bit him. The White passengers cheered as she was forcibly removed. But she did not let the matter pass. She filed a suit against the railroad company. In December 1884 a Tennessee court awarded her $500, but the victory was short-lived. The Tennessee Supreme Court reversed the ruling on April 5, 1887, ordering her to return the $500, as well as $200 in punitive court fees.

Wells's interest in justice, politics, and literature led her to a related career that would change her life: journalism. While still teaching, she began to write articles for Black newspapers. Using the pseudonym "Iola," she wrote about discriminatory laws, women's rights, Black disenfranchisement, and a variety of other race-related issues. Iola's biting style and insightful critiques quickly captured the attention of Black readers. In 1887 the National African-American Press Convention named her the nation's most outstanding Black correspondent. In 1889 she became part-owner (one third) in a newspaper, the *Memphis Speech and Headlight*. She

solicited subscribers and served as editor; meanwhile, articles by Iola continued to call for social, economic, political, and legal justice.

In 1891 Wells wrote a controversial article on Black schools that redirected her career. Drawing upon her experience as a teacher, she charged that Black education was inexcusably inferior: Black schools were underfunded, classrooms were rundown and overcrowded, books and school supplies were in short supply, and teachers were marginally competent—a step ahead of their students. These criticisms were not new. However, Wells crossed the prohibited race line when she charged that White school board members were coercing sexual favors from Black teachers in exchange for employment. In 1891 her teaching contract was not renewed.

Wells was now a full-time journalist. In 1891 she increased her stake in the *Memphis Speech and Headlight* from one-third to one-half ownership, making her a full partner. Wells and her co-owner, J. L. Fleming, changed the paper's name to more clearly reflect its focus: *Free Speech*. Wells assumed responsibility for writing and editing. Fleming took charge of subscriptions and circulation. The partnership was highly successful, and the paper thrived. Circulation increased from 1,500 to over 4,000. Wells now had an expanding platform to express her ideas and calls for racial and social justice.

Antilynching Campaigner

A series of events that began on March 5, 1892, laid the foundation for Wells's emergence as an internationally acclaimed champion for social justice. Three Black men—Thomas Moss, Calvin McDowell, and Henry Stewart—opened a grocery store on the outskirts of Memphis. Unfortunately, their store was in direct competition with a White-owned business. Tempers rose and a confrontation ensued. Nine deputies, dressed in civilian clothes, were sent to arrest the "troublemakers." Moss, McDowell, and Stewart, thinking that they were under attack by a White mob, opened fire, wounding several deputies. They were arrested and put in jail. Suspecting lynching, a group of armed Black volunteers—the Tennessee Rifles—stood guard at the jail. When the court forced the Tennessee Rifles to leave, their worst fears were confirmed. On March 9 a White mob stormed the jail, seized the prisoners, and shot them.

Wells was enraged. She knew all three men and was godmother to Moss's child. Wells urged Memphis's Black citizens to boycott White businesses, refuse to ride on White-owned streetcars, and move to western states, particularly Oklahoma. On May 21, 1892, she published a scathing critique of lynching in her newspaper. Her attack on lynching and southern racism sparked a firestorm. On May 27, 1892, 6 days after the article appeared, a White mob burned the *Free Speech* to the ground.

Wells, who was out of state when the article was published, received death threats and knew that returning to Tennessee would invite lynching. She secured a position as a reporter with the *New York Age,* a Black-owned newspaper. In the fall of 1892 she published a pamphlet, *Southern Horrors: Lynch Law in All Its Phases*, which created a national and international sensation. Wells provided graphic descriptions of the hanging, burning, shooting, and dismembering of Black men, women, and children. She denounced the myth of the sex-crazed Black rapist, lusting after White women, by charging that many of the sexual encounters between Black men and White women were, in fact, consensual. Beyond that, she declared that politicians, the press, Christian ministers, and criminal justice officials—sheriffs, judges, prosecutors—had done little to stop the carnage. In fact, some people openly sanctioned lynching and participated in lynch mobs.

Wells was now widely acclaimed as the world's foremost authority on lynching. She was invited to give lectures in a number of northern states and went on two extensive speaking tours in England, one in 1893 (3 months) and another in 1894 (6 months); meanwhile, she continued to write. In 1895 she published *A Red Record: Tabulated Statistics and Alleged Causes of Lynching in the United States, 1892, 1893, 1894*. This work, later published in London under the title *United States Atrocities*, provided an updated statistical summary of hundreds of lynchings, along with graphic descriptions of individual cases. *Lynch Law in Georgia* provided an account of the barbaric extralegal execution of a Black man, Sam Hose, in 1899. *Mob Rule in New Orleans* described the lynching of Robert Charles in 1900. Charles, after

resisting arrest, waged a one-man war on the White citizens of New Orleans. For 5 days he eluded White mobs and the city's police. In the process, he shot 27 White people, killing a total of 7, which included 4 police officers.

Wells's position as the world's foremost antilynching campaigner was short-lived. A variety of unrelated interest groups rallied to undercut her work. Conservative southerners charged that Wells was ignoring the threat posed by Black rapists. White lynch mobs were merely protecting their wives, mothers, and daughters from "savage Black beasts." White men and White women in the South and North unequivocally rejected her claim that White women voluntarily engaged in sexual relations with Black men. Black leaders were also reluctant to embrace Wells's message. Booker T. Washington and other Black conservatives believed that her confrontational style was fanning the flames of racial conflict. W. E. B. Du Bois and Black liberals shared her disgust with lynching, but Progressive era Black males, reflecting gender notions of the day, did not believe that Black women were suited for the "manly" battle for social justice. Increasingly, the National Association for the Advancement of Colored People and its leaders—particularly Du Bois and later Walter White—took the lead in the nation's antilynching campaign. Simply stated, Wells was marginalized by both White and Black Americans.

There were, however, other factors that drained her energy and distracted her attention from the war on lynching. Family commitments were particularly time consuming. In 1895 she married Ferdinand Barnett, a lawyer, journalist, and social activist. They bought a home in Chicago and, over the next decade, had four children: Charles (1896), Herman (1897), Ida (1901), and Alfreda (1904). Wells assumed the primary responsibility for raising the children, instilling them with the values that she had learned as a child: piety, honesty, integrity, discipline, courage, and hard work.

Later Years: Crusades for Justice

Domestic responsibilities did not, however, end her interest in social issues and community betterment. In 1910 Wells-Barnett opened a settlement house in Chicago, the Negro Fellowship League, which operated until 1920. Between 1913 and 1915 she worked as a probation officer in the municipal court. Wells-Barnett actively campaigned for temperance reform, arguing that alcohol diverted Black men from their responsibilities and provided police with an excuse for harassment. She was also committed to women's suffrage. She joined a number of organizations that promoted women's right to vote and worked for Republican candidates at the local, state, and federal levels. In 1930 she ran for the state senate but lost the election. In her spare time, she worked on her biography. *Crusade for Justice* was never completed, but it was published in 1970, thanks to the efforts of her daughter, Alfreda Duster.

Justice-related issues remained a central concern for Wells-Barnett. Outraged by the lynching of a Black man, William James, in Cairo, Illinois, in 1909, she launched an investigation of the case and played an instrumental role in convincing the governor to dismiss the county sheriff for failing to protect his prisoner. The 1917 East St. Louis Riot, which was sparked by an attack on the Black community by White policemen, resulted in another Wells-Barnett inquiry, as well as the publication of another scathing report: *The East St. Louis Massacre: The Greatest Outrage of the Century*. During the 1919 Chicago Race Riot, which left 23 Blacks dead, Wells-Barnett took to the streets, armed with a pistol, to observe. She later offered first-hand testimony of injustices before a grand jury. She investigated and protested the execution of 13 Black soldiers by a military court in 1917, and she published a critical account of a legally questionable 1919 Arkansas trial that resulted in death sentences for 12 Black farmers.

Wells-Barnett died at the age of 69 on March 25, 1931, after a short illness. Her accomplishments were, to be sure, extraordinary. She overcame race, gender, and her social status as a slave to become the world's leading campaigner against lynching, and for decades, she courageously battled for racial and gender equality in all economic, political, social, cultural, religious, and legal institutions. Wells-Barnett was also a tragic historical figure, for she was too visionary, too outspoken, and too radical for her times—a true crusader for justice.

Alexander W. Pisciotta

See also Chicago Race Riot of 1919; Du Bois, W. E. B.; Dyer Bill; Elaine Massacre of 1919 (Phillips County, Arkansas); Lynching; Race Relations; Race Riots; Racial Conflict; Till, Emmett

Further Readings

Dray, P. (2002). *At the hands of persons unknown: The lynching of Black America*. New York: Modern Library.

Duster, A. M. (Ed.). (1970). *Crusade for justice: The autobiography of Ida B. Wells*. Chicago: University of Chicago Press.

Royster, J. J. (Ed.). (1997). *Southern horrors and other writings: The anti-lynching campaign of Ida B. Wells, 1892–1900*. Boston: Bedford Books.

Schechter, P. A. (2001). *Ida B. Wells-Barnett and American reform, 1880–1930*. Chapel Hill: University of North Carolina Press.

W. Haywood Burns Institute for Juvenile Justice Fairness and Equity

The proportion of minority youth involved in the juvenile justice system and adult criminal justice systems in the United States increased by 47% between 1983 and 1997. In response to the problems of disproportionate minority youth arrests, detention, and commitment to juvenile facilities and adult prisons, the W. Haywood Burns Institute for Juvenile Justice Fairness and Equity was founded in 2002 in San Francisco, California. Thus, the institute was created to protect and improve the lives of youth of color, poor children, and their communities.

The institute was named for W. Haywood Burns, a Harvard honors graduate and Yale-educated civil rights lawyer who died in an automobile accident while attending the International Association of Democratic Lawyers conference in Cape Town, South Africa, in 1996. Burns was the former dean of the City University of New York School of Law at Queens College and a longtime civil rights advocate who worked with the Rev. Dr. Martin Luther King, Jr., represented the Black activist Angela Davis against charges of kidnapping and murder, and coordinated the defense for inmates indicted in the Attica prison riot. Burns believed that human rights and justice could be achieved through activism.

The institute's core mission was built around the premise that most children in trouble with the law are best served by alternatives to incarceration because children cannot be rehabilitated when housed in a cage and that all children deserve to be treated equally and fairly by the system that serves them. Further, the institute believed that to achieve change in the treatment of children within the juvenile and criminal justice system, the process had to be one that is intentionally inclusive of many voices and opinions, even those of divergent views.

To achieve the goal of using inclusiveness to assist children of color and poor children, the institute convenes law enforcement representatives, youth-serving professionals, legal system representatives, community leaders, parents, and youth across the United States. The participants are led through a consensus-based data-driven approach to change policies, procedures, and practices that impact children of color and poor children. Through these forums, the institute believes that it is building the capacity of local organizations to improve and strengthen their own local programs and subsequently reduce the rate of disproportionate minority youth confinement.

Since 2002 the Burns Institute has worked nationally to reduce the level of disproportionate minority youth confinement and improve the overall treatment of children of color and poor children in the juvenile justice system. In providing national leadership in working to reduce the overrepresentation of youth of color and poor youth in the juvenile justice system, the Haywood Burns Institute suggests that they, the institute, must engage traditional and nontraditional stakeholders in the dialogue to develop plans of action with measurable results in all states. New York and North Carolina, the only two states in the country where the legal upper age for juveniles is 15, provide examples of the institute's involvement in addressing disproportionate minority confinement (DMC) rates across the nation. In utilizing data supplied by the North Carolina 2004 Formula Grant Update report, the Burns Institute concluded that African American youth were overrepresented

in juvenile detention facilities in North Carolina in 2003. Those youth represented 27% of the overall youth population, yet represented 59% of those youth in detention. In 2002, while being monitored by the institute, the North Carolina Governor's Crime Commission hired a full-time DMC coordinator to staff the DMC subcommittee and maintain the state's momentum in developing strategies to reduce minority overrepresentation in the juvenile justice system. North Carolina's overall approach to addressing DMC consisted of working with four demonstration counties to provide resources, technical assistance, and ongoing monitoring and evaluation of programs and activities designed to reduce DMC in these jurisdictions. Further, it included collaborating with the North Carolina Department of Juvenile Justice and Delinquency Prevention in developing a uniform data collection system that would allow for accurate collection of data disaggregated by race. The purpose for the data to be collected at the decision points was that it could allow for an accurate measurement of possible disparities in decision making. Lastly it was to increase the awareness of disproportionate minority contact in the juvenile justice system and educating the public, juvenile justice professionals, as well as the Governor's Crime Commission through conference presentations, developing print materials to be disseminated, and utilizing technical assistance resources available through the federal government, thus satisfying a key mission of the Burns Institute. The Department of Juvenile Justice's 2006 annual report suggested that 23,837 African American youth had complaints issued against them while 19,770 Whites had similar complaints; these figures represent a continued state of disproportionate minority youth involvement in the juvenile justice system.

New York, which represents the second of two states that try youth age 16 and over in the adult court and subsequently confine them in adult jails and prisons, still maintains a disproportionate number of youth of color in their youth detention facilities. Youth of color are reportedly disproportionately incarcerated in the New York State Office of Children and Family Services. A report issued in March 2007 by the Correctional Association of New York suggested that 86% of youth in the New York State Office of Children and Family Services were African Americans, Latinos, or Native Americans. The same report suggested that over half of the youth in state custody were convicted of misdemeanors or low-level nonviolent offenses. The Burns Institute collected minority youth confinement data for nearly all 50 states. The statistics reported by New York and North Carolina did not appear to suggest progress as sought by the Burns Institute, yet it also was not seen as a sign of failure of programmatic oversight in the treatment of minority youth in the juvenile and adult systems.

According to the institute, which is funded through grants and private support, the task of reducing racial disparities was once viewed as intractable and overwhelming. The institute's involvement with several jurisdictions around the country has already demonstrated that reducing racial disparity is indeed a solvable problem. The W. Haywood Burns Institute for Juvenile Justice Fairness and Equity suggests that the active commitment and participation of key traditional and nontraditional participants in the juvenile justice system at each site and in each state—including judges, prosecuting attorneys, public defenders, police, probation officers, political leaders, service providers, and community leaders—can reduce the racial disparities in the juvenile justice system. Success of the institute is measured in terms of changes in treatment and numbers of minority youth involved in the system.

Elvira White

See also Disproportionate Minority Contact and Confinement; Juvenile Waivers to Adult Court; Sentencing Disparities, African Americans; Sentencing Disparities, Latina/o/s

Further Readings

North Carolina Department of Juvenile Delinquency and Prevention. (2006). *Annual report*. Raleigh: Author.

Websites

Correctional Association of New York: http://www.correctionalassociation.org

W. Haywood Burns Institute: http://www.burnsinstitute.org

White Crime

Understanding the idea of "White crime" requires not only an appreciation of modern statistics on crime commission but a broader perspective on the history and definition of "crime." White Americans are, by some limited measures, less crime prone but have historically engaged in a host of "crimes" that are ignored or downplayed by official tallies and definitions. While it would be inappropriate to speak of criminality as stemming from genetic qualities essential to being White, it would be equally inappropriate to ignore the role of history and social situation in explaining and accounting for the entire reality of White crime. Despite this, it is also important to recognize that White crime cannot be inappropriately stereotyped as merely an act of racist hatred, despite the wide publicity that hate crimes against minorities may receive.

White Crime Rates

Like members of all other races and ethnicities, White Americans engage in crime. However, the patterns of White offending differ from those of other racial and ethnic groupings. Whereas Whites engage in low-level property, drug, and various public order offenses (like driving under the influence) at rates roughly comparable to other races and ethnicities, the racial patterns diverge widely when trends in violent crime are examined. The Federal Bureau of Investigation *Uniform Crime Reports* show that, on average, Whites engage in proportionately less "street crime" of virtually all categories, especially violent crime. A salient example is murder. In 2006, approximatly 5,000 Whites and 5,000 African Americans were arrested for homicide, which is remarkable considering that Whites constitute the largest share of the U.S. population (about 75%).

Some have argued that a backdrop of oppression and deprivation that has historically crippled African Americans' social development was absent from White society, and that relative historic privilege for most Whites and a dearth of the social conditions (poverty, lack of education, discrimination) that explain crime account for these striking differences. But the fact remains that, by some measures, Whites commit crime at a far lesser rate than African Americans. Such statistics on White crime, taken at face value, have been misused to support arguably racist contentions that Whites are inherently less criminal than African Americans and other racial and ethnic groups. However, this simplistic understanding, based on modern statistics covering narrow definitions of crime, ignores the crucial role of history and culture in shaping current racial patterns of crime commission. It also fails to acknowledge that a broad understanding of White crime must include historic and definitional clarifications that paint a very different picture than the limited one portrayed by modern official statistics.

Some would argue that the idea of White crime should include a critical examination of historic, large-scale injustices, such as the European conquest of the western hemisphere from indigenous populations and the forced transportation of Black Africans, both of which resulted in the death and/or enslavement of millions. This could be a compelling argument, as some of the crime types discussed in this entry are a distant echo of this era in which Whites' abuse of minorities was widespread. Indeed, one of the difficulties in defining and interpreting the idea of White crime is that many wrongs historically committed by Whites were not, at the time, defined as crimes at all. For example, although modern criminal statutes specifically outlaw kidnapping and false imprisonment, millions of Black Africans were captured and brought to the Americas as slave labor. Not only were these acts tolerated under the law, but they were specifically sanctioned and defended by it. Technically then, the captain of the slave ship, the trafficker in human flesh at the auction, and the owner and driver of slaves were not criminals under the laws of their day, even though they seem so by our modern sensibilities.

Second, some of the most salient White crimes were those committed as part of a historic pattern of populist, racist subversion of the rule of law, even after laws were officially changed to abolish abuses such as slavery. In theory, after the Civil War, when the exploitation of all Americans was rendered unconstitutional by the Fourteenth, Fifteenth, and Sixteenth Amendments, racial minorities enjoyed theoretical protection under the law from White exploitation and terror. But for

many it was theory only. Especially (but not exclusively) in the South, African Americans and other minorities were still victims of acts that were previously sanctioned by the legal system but later only technically prohibited. Lynching, in particular, was a terror tactic used by White supremacists, such as members of the Ku Klux Klan, to maintain White hegemony over African American lives even after Emancipation. Such acts were common for decades after the Civil War and were rarely subject to legal response. One famous instance occurred in 1955, when two White men from Money, Mississippi, offended by an alleged insult toward one of the men's wives, brutally murdered Emmett Till, an African American boy from Chicago visiting relatives for the summer. The two killers were acquitted in 67 minutes by an all-White state jury, after which they promptly sold their detailed confession of the crime to a popular magazine, since they were immune to prosecution under the double jeopardy clause.

Because of such historic cases, the stereotypical White crime today could manifest itself as a retrograde act of overt racist violence, of which there are many well-publicized and shocking recent examples. Among these would be the week-long captivity and barbaric torture of 20-year-old African American Megan Williams in Logan County, West Virginia, in early September 2007 by six Whites who repeatedly berated her with racial taunts. Another is the famous case of James Byrd, Jr., a disabled Black man who was dragged to death behind a truck by three White men with affiliations with various racist groups in Jasper, Texas, in 1998. Despite the horror these crimes incite, some might argue that it is partial consolation that such episodes of overtly racially motivated White crime occur at nowhere near the frequency of lynching in the decades after the Civil War. Furthermore, in both of these cases the perpetrators were aggressively prosecuted and punished by the justice system. Thus, despite the horrific nature of the crimes committed, the legal outcomes in these cases could at least be regarded as signs of substantial historic progress when compared to past eras when Whites committed such crimes with relative impunity.

Because of the publicity associated with crimes such as the murder of James Byrd, Jr., or the captivity and brutalization of Megan Williams, the idea of White crime could accrue an incomplete image of suggesting "crime against non-Whites." However, the statistical realities belie this. As is the case with all other racial and ethnic groups, the crimes White Americans commit are generally against members of their own race. While most domestic violence cases and relatively mundane conflicts among circles of friends and acquaintances compose the bulk of all street crimes, they lack the high-profile severity and sensationalism that make overtly racial attacks so newsworthy, so we are not as aware of them. But as Whites mostly live and work with, or in proximity to, other Whites, the victims of White crime are of course disproportionately White.

Still, there are other aspects of White crime that beg examination, even if society has evolved past the time of pervasive and direct White crimes against minority victims. Many scholars argue that what we commonly think of as crime—street crimes such as robbery, rape, and assault—is far less damaging than the numerous violations of environmental, occupational safety, and product quality laws committed by major corporations and rogue government officials. As Whites disproportionately occupy positions of privilege in government and business, they have disproportionate opportunities to commit this category of crime. And yet, some argue, because of the excessive attention paid to street crimes committed by poor, urban minorities, we do not adequately appreciate and respond to these crimes of the predominantly privileged White classes and instead marshal the justice system's resources disproportionately toward the lower classes and minorities.

Finally, it is important to bear in mind that few experts would agree that White crime as such is a feature of White persons' Whiteness; rather, it is a result of their humanity. In this line of reasoning, the historic and present character of White crime derives not from attributes that are genetically unique to Western Europeans but from the historic and cultural situation of Whites and the criminal opportunities presented that some of them chose to exploit. It is necessary to document the historic and present realities of White crime to avoid the converse errors of either under- or overestimating its nature based on stereotypes and misconceptions, but it would be an equal mistake to assume that any attribute inherent to the White race is the

cause of White crime—just as it would be to make a similar inference about any other race.

Timothy Griffin

See also Black Codes; Byrd, James, Jr.; Conflict Theory; Crime Statistics and Reporting; Hate Crimes; Institutional Racism; Interracial Crime; Ku Klux Klan; Ku Klux Klan Act; Lynching; Media Portrayals of White Americans; Racialization of Crime; Rosewood, Florida, Race Riot of 1923; Violent Crime; White Supremacists

Further Readings

Brophy, A. L. (2002). *Reconstructing the dreamland: The Tulsa Riot of 1921: Race, reparations, and reconciliation*. Oxford, UK: Oxford University Press.

Christianson, S. (1998). *With liberty for some: 500 years of imprisonment in America*. Boston: Northeastern University Press.

Jackson, J. L., Sr., Jackson, J. L., Jr., & Bruce, S. (2001). *Legal lynching: The death penalty and America's future*. New York: The New Press.

Jones, E. P. (2003). *The known world*. New York: Amistad.

Kappeler, V. E., & Potter, G. W. (2005). *The mythology of crime and criminal justice*. Long Grove, IL: Waveland Press.

Kennedy, R. (1998). *Race, crime, and the law*. New York: Vintage Books.

Reiman, J. (2007). *The rich get richer and the poor get prison: Ideology, class, and criminal justice* (8th ed.). Boston: Pearson/Allyn & Bacon.

Silberman, C. E. (1978). *Criminal violence, criminal justice*. New York: Vintage Books.

U.S. Department of Justice, Federal Bureau of Investigation. (2007, September). *2006: Crime in the United States*. Retrieved from http://www.fbi.gov/ucr/cius2006/data/table_43.html

White Gangs

Although the number of gangs in general greatly expanded during the 20th century, such gangs have earlier roots in U.S. history. The spread of the industrial revolution during the 1800s contributed to their growth, as did increased immigration. This entry examines the historical background of White gangs, explores their roots in the values underlying slavery, describes the Christian Identity movement, and briefly reviews the state of White gangs in America.

America's first White gangs began in urban centers in the Northeast along Euroethnic divisions. They bonded together based on common language, culture, and their connection to their region or country of origin. Each major wave of first-generation Euroethnic gangs acted as a resistance movement to thwart the loss of their ethnic identity through assimilation and as protection against violent discrimination from native-born Americans. Native-born Americans have traditionally felt threatened economically and culturally by each new Euroethnic group, whom they felt did not share similar economic, religious, and cultural values. Early America was predominantly White and Protestant. These perceived differences among new White ethnic immigrant groups stocked fears of loss of economic power and cultural dominance.

During the early 1800s, Irish-Catholic immigrants flooded into America, causing many native-born Americans to feel threatened by a White, yet culturally and religiously different, ethnic group. The influx of Irish immigrants caused an increase in discrimination and violence, which in turn caused the Irish immigrants to form gangs out of a need for protection. Yet, the racial and ethnic undertones of early America's White gangs and conflicts were generally propaganda to justify competition over territory, political power, and control of lucrative criminal enterprises. Even so, this pattern of discrimination and gang creation continued with each successive wave of immigrants, such as Italian, Jewish, and eastern European ethnic groups, into the 1920s. As each time a new wave of immigrants appeared, the native-born population felt a need to protect and reinforce the idea of America being a Protestant, Anglo-Saxon country against waves of ethnic immigrants who might challenge their status as the dominant racial group in America.

Sociologist Frederick Thrasher, in his 1927 book *The Gang*, found that Chicago-based White gangs were comprised of poor White immigrant groups such as Polish, Italian, German, Slavic, and Swedish youth (Skolnick, 2002). After the

Great Depression, the New Deal, and World War II, many of the previously impoverished White underclass that produced White gang members gained entry into the middle class due to government programs stemming from the New Deal, the GI bill, and an exodus to new suburban areas through Federal Housing Administration loan programs.

In this transition, many White Americans began to lose much of their Euroethnic differentiation due to assimilation and declines in ethnic discrimination and religious persecution and became Americans. This single identity created a commonality among White Americans steeped in the need for racial superiority and cultural dominance based in the cultural racism of the American South.

Southern Christian Roots of White Gangs

To better understand the racial ideology of some modern White gangs in America, Christianity and the antebellum South go hand in hand. In the antebellum South, racism steeped in Christianity was the underlying justification for slavery and Jim Crow. The Protestant church justified the enslavement of Black slaves with biblical references to Genesis 9:25–26 in which after the flood, Noah cursed the offspring of Ham to be servants of the offspring of Japheth and Shem for eternity. With this biblical justification, Black slaves were considered amoral, being neither immoral or moral, but innately animalistic and instinctual in behavior. To control "amoral" Black slaves, strict codes of racial interaction and conduct were devised. To enforce these codes of conduct, slaveholding communities set up vigilante police forces called slave patrols.

Slave patrollers were White men drawn from southern communities who volunteered or performed compulsory service as slave patrolmen. Slave patrolling was a community-supported effort designed to protect the White population by preemptively snuffing out rebellions and reinforcing racial dominance. Slave patrollers were responsible for policing the slave population by checking the identification and permission of slaves moving between plantations, breaking up gatherings, capturing fugitive slaves, and punishing or killing unruly slaves. After the Civil War, the slave patroller concept metamorphosed into the Ku Klux Klan, a terrorist organization with the objective of reinforcing the antebellum South strict code of racial segregation and denial of civil rights. The Ku Klux Klan had the unspoken consent of the community to maintain racial dominance over the southern United States. At that time, a great underlying fear of the American South was of miscegenation or a "mongrelization" of the White population in which Black men and White women could marry across racial lines. The Ku Klux Klan saw themselves as race warriors against the possibility of being dominated by a morally and intellectually inferior mixed race population. The Ku Klux Klan's goal of preserving an Anglo-Saxon Christian America has continued to the present day.

Christian Identity Movement

After the 1964 Civil Rights Act and the 1965 Immigrant Act, the Ku Klux Klan's power began to wane and a new wave of White separatist groups began to arise, each espousing the idea of Christian Identity. The Christian Identity is an overarching ideology that merges Christianity and Nazism centered around four major points: (1) Anglo-Saxons are the direct blood descendents of Adam's son Abel, therefore making the White race the true Israelites. (2) Jewish people are considered the descendents of Cain and are referred to as Satan's seed. (3) Adam and Eve are White and their Anglo-Saxon descendents are the keepers of God's word and are his chosen people. (4) Miscegenation is contamination and destruction of the White race's direct lineage back to Adam and to God. Christian Identity practitioners maintain that Black, Asian, Hispanics, and other groups of color to be "mud people," people who are spiritually and intellectually inferior to White people and with whom miscegenation destroys the White race's direct blood connection to Adam (Kingdom Identities Ministries, n.d.).

Like the Ku Klux Klan of earlier generations, the Christian Identity movement is dedicated to racial separation and White purity, and that they will be God's instrument in a race war/apocalypse meant to cleanse impure and "mud" people from the earth.

Modern White Gangs

Christian Identity ideology is the foundation for most modern White gangs in America. The mingling of Christianity and Neo-Nazism has given rise to gangs such as the American Nazi Party, Aryan Brotherhood National Association for the Advancement of White People, White Aryan Resistance, and younger generations of the Ku Klux Klan. Increased immigration (both legal and illegal), America's loss of economic power, and America's changing racial demographics foster resentment among White gangs, who believe White Americans are losing their homeland identity to invaders.

Leaders such as David Duke and Tom Metzger have been instrumental in the growth of White gangs among young White Americans after the civil rights movement. They espouse an assumed White superiority that justifies White privilege and separation. Under the leadership of such men, the concepts of White gangs and Christian Identity have gone global via the Internet. Many of the American-based groups are now working in a loose affiliation to create a new White American Homeland in the states of Washington, Oregon, Idaho, and Montana. They believe that America's decline is due to the influx of non-White immigrants and social programs designed to help historically disenfranchised groups and that the only hope for the survival of the White race is separation into a designated part of America where they can maintain a majority White population and preserve Western civilization and Christianity. It is important to note that other White gangs exist in the United States, such as the Outlaw Motorcycle club, that are known for their involvement in violent crimes and drugs.

Eran Reya

See also Ku Klux Klan; McVeigh, Timothy; Prison Gangs; White Supremacists

Further Readings

Kingdom Identity Ministries. (n.d.). *Doctrinal statement of beliefs*. Retrieved from http://www.kingidentity.com/doctrine.htm

Macdonald, A. (1999). *The Turner diaries*. Hillsboro, WV: National Vanguard Books.

Reya, E. (2007). *The death of Black America*. Bloomington, IN: AuthorHouse.

Robb, J. (2007). *Brave new war*. Hoboken, NJ: Wiley.

Skolnick, J. H. (2002, November 30). Gangs in the post-industrial ghetto. *The American Prospect*. Retrieved from http://www.prospect.org/cs/articles?article=gangs_in_the_postindustrial_ghetto

Steele, J. E. (2004). *Defensive racism*. Sagle, ID: ProPer Press.

White Privilege

White privilege can be defined as an advantage given to or enjoyed by White people in the United States and elsewhere. This advantage has been viewed as a "right" that exempts those of European descent from restrictions and burdens imposed on members of groups that do not fall within the category of White. Educators and others who define White privilege and challenge its structure argue that this privilege is so pervasive and part of everyday society in the United States that those who benefit from it often fail to recognize it and may even deny its existence (e.g., "I am not racist" and "Everyone has an equal chance of being successful in our society"). This advantage of White persons over non-White persons creates disparities between Whites and non-Whites. Examples of common disparities between Whites and minorities can be found in societal institutions such as health care, education, the economy, and the criminal justice system. White privilege is also expressed in stereotypes of racial/ethnic minorities. Both the macro (economic, educational, political, and familial systems, etc.) and micro (beliefs, attitudes, values, friends, etc.) elements of U.S. society seem to indicate that people conduct their everyday lives differently depending on whether or not they possess White privilege.

There are several ways one can look at and discuss how privilege has been assigned to selected groups and taken away from other groups. Some scholars associate White privilege with male privilege. Their argument is that White people are carefully taught not to recognize White privilege in the way that men are taught not to recognize male privilege—privilege takes the form of

unearned assets that are cashed in every day while those who benefit remain oblivious of their advantage.

Few examples of White privilege are as explicit as the process of Black slavery in North America. The way in which Africans in the Americas were exploited and stereotyped made its mark on the economic and social system in the United States as well as in other countries. Thus, to truly discuss and understand privilege, one must understand oppression. For instance, Black Americans and their families have faced segregation, discrimination, and inequalities throughout the history of industrial America. When compared to Whites, Blacks were more often faced with discriminatory laws, individually and in the family structure. Under slave law, Blacks and their children were the property of slave owners. Although during the slave period there were many freed married Blacks, family units under slavery existed at the slave master's discretion. Those who were given legal standing as persons could marry, while those who were considered property could not, and slaves were considered property. Although many slaves defied this law and were married within their own community, slave owners could destroy this bond at any time by merely selling one or both of the partners to different owners. After slavery, Whites created formal and informal laws for the domination of Black labor, a labor they once owned. These "Jim Crow" laws were enacted after Reconstruction and, as much as anything else, fostered an ideology of Blacks as subordinate and Whites as superordinate.

An example of this intersection can be given in the familial roles of Blacks and Whites strongly rooted in U.S. history. Work roles inside and outside the household seem to be one of the major differences. American plantation slavery did not make a distinction between the work performed by Black men and Black women. Both worked in the fields and within the household doing domestic labor. Gender role expectations were very different for Black and White women. Black women were not seen as weak; in fact, they were seen as being able to work in the fields, have a baby in the evening, and cook breakfast the next day. White women, on the other hand, were viewed as weaker than Black women, unable to deal with the normal stresses of the day-to-day activities of the plantation. A woman's duties centered on pleasing her husband, whatever his wishes might be. Black men also experienced different gender role expectations than did White men. Under slavery, the Black male understood that both he and his family were at the service of the White family.

After industrialization, Black women most often were paid less than Black men or White women and often maintained jobs in the paid labor market as servants, seamstresses, laundresses, and other domestic positions. Black women were not allowed to serve as salesclerks, cashiers, or bookkeepers, which were jobs filled by many White women in the labor market.

Black men who had job skills in many cases could not practice those skills. As a case in point, Blacks were not allowed to join many of the trade unions in the South, where most Blacks lived. The United Mine Workers Union in the South used Blacks as strikebreakers but had problems getting Black members accepted as regular union members. Thus, in many cases, Blacks who worked as miners remained outside the union, with inadequate pay compared to White union members. The few jobs that were available to Black men were domestic in nature and tended to pay less than jobs that were reserved for White males.

As mentioned earlier, current examples of White privilege come in the form of what is taking place in the criminal justice system. Most Whites in America would not openly say that they believe Blacks are more dangerous or have more criminal tendencies than Whites.

The overrepresentation of Blacks in arrest and prisoner statistics fosters not only the racialization of crime but also feelings of White privilege.

Aaron Thompson

See also Race Relations; Racialization of Crime; Racism

Further Readings

Gutman, H. G. (1975). *Work, culture & society*. New York: Vintage Books.

Kessler-Harris, A. (1981). *Women have always worked*. Old Westbury, NY: Feminist Press.

McIntosh, P. (1988). *White privilege and male privilege: A personal account of coming to see correspondences*

through work in women's studies (Working paper). Wellesley, MA: Wellesley College Center for Research on Women.

Thompson, A. (2007). Boy, you better learn how to count your money. In R. Luhman (Ed.), *Sociological outlook* (8th ed.). Lanham, MD: Rowman & Littlefield.

White Supremacists

In the century that preceded the September 11, 2001, attacks on the United States, most extremist violence on U.S. soil came not from foreign threats but from homegrown fighters with a right-wing ideology. Many of these radical right extremists, then and now, subscribe to the tenets of White supremacists, with their core belief in strict racial hierarchy according to which those who belong to the White race are naturally superior socially, intellectually, and physiologically to those outside of this group. White supremacists believe that Whites are more capable and better equipped to perform roles in society more effectively and efficiently because of the advantages they supposedly hold above all other races. Historically, the ideology of White supremacy has given rise to social movements in the United States and abroad, some of which have had far-reaching consequences and continue to exert an influence on society.

Among the characteristics shared by U.S. White supremacist groups are an antigovernment mentality; hatred of Jews; a belief in both conspiracy and apocalyptic theories; a strong aversion to gays and lesbians; vehement nativism and dislike of non-White foreigners, American Indians, and immigrants; and a propensity for violence. Organized White supremacist groups in the United States evolved from roots in the Ku Klux Klan, a racist organization that arose among White Protestants in the rural South during the period of Reconstruction following the Civil War, and have borrowed elements from the ideology of the National Socialist German Workers (Nazi) Party led by Adolf Hitler. As a social movement, White supremacism continues to challenge America's progress toward a color-blind, racially unbiased society.

Historical Background

White racism was of course deeply ingrained in American society before the Civil War, but as the war approached, and with it the obvious threat to the institution of slavery, the doctrine of White supremacy found clear expression in writings and public oratory by sympathizers with the Southern cause. Following the defeat of the Confederacy, the doctrine was absorbed into the ideology of the Ku Klux Klan and similar organizations intent on maintaining, by any means necessary, the old social order in which non-Whites "knew their place."

Historically, White supremacist thinking has strongly influenced societies in other parts of the world, such as South Africa during apartheid, and various regions of Europe within the past 2 centuries, most especially Nazi Germany from the early 1930s until the end of World War II. Today's supremacist ideologies draw heavily on discredited 19th-century quasi-scientific theories of the genetic superiority of Europeans and their descendents. In the period just prior to and during World War II, eugenicists in Germany performed unethical medical experiments on Jews and others, such as Gypsies. The findings were used to defend the idea of White supremacy and served to justify racist beliefs during the time and in the decades following the war. In various forms, White supremacism as an element of right-wing populism has continued to exert an influence on American society.

Many countries around the world have felt the influence of White supremacy and its presence within and among government and law enforcement in European-settled countries. The situation surrounding the oppression of Australian Aborigines, similar to that of the Native Americans, has been extensive; for example, Australian Aborigines previously were barred from holding any type of government job. Additionally, many Aborigines were forced to live in sequestered areas. Many other countries settled by Westerners have historically limited or banned immigration and naturalization services to non-Whites or non-Europeans. And most recently, South Africa was governed by an oppressive White supremacist regime, whose rule ended in the 1990s.

In the United States, non-Whites have experienced varying degrees of discrimination on the

basis of White supremacist thinking since the European presence in North America began in the 17th century. The slave trade and allowance of slave labor in the south and southwest regions of the country was legal until 1864 with the passage of the Thirteenth Amendment to the Constitution and the Emancipation Proclamation. A century later, minorities were still subject to differential treatment as late as 1967 when antimiscegenation laws banning interracial marriage were finally prohibited by constitutional law.

Ku Klux Klan

The Ku Klux Klan is the oldest and most infamous racist group in the United States, often using violence and acts of intimidation such as cross burnings and lynchings to harass non-Whites or other groups they deem inferior to the European, Christian race. For over a century, this group has engaged in a campaign of racist violence and intimidation throughout America. The Klan was formed during the Reconstruction era in 1866 and played an important role in restoring power to White Democratic control in the South through a violent terrorist campaign directed at Blacks and Unionists. Klan activity gradually subsided, but over the next century there were two more revivals of the Klan, each characterized by multiple incidents of racial violence, followed by legal or criminal sanctions against the group, weakening its structure and rendering it ineffective. During the civil rights movement of the 1950s and 1960s, firebombs were used by the Klan to burn churches, houses, and vehicles. Such attacks continued into the next decade when Klan violence became directed at affirmative action and desegregation efforts. After a prominent faction of the Klan was sued for millions of dollars, the organization's activities again subsided.

The Anti-Defamation League estimates that there may currently be more than 100 different chapters of Klan organizations, made up of more than 5,000 members. It is believed a third revival of the organization may be imminent as the political and social controversy surrounding the illegal immigration movement increases in the United States. While still espousing White supremacist and fundamental Christian ideologies, the Klan has changed since the beginning of the movement over a century and a half ago. The group has become wholly decentralized. Membership is informal and often changes, although the group continues to engage in violent and threatening actions against Blacks, Jews, and other minorities.

Belief Systems Among White Supremacists

Most White supremacists have been of Protestant denomination, although the melding of Klan, militia, and Nazi elements have encouraged other religious bases for the White power ideology. In addition to Protestantism, the Christian Identity movement, the World Church of the Creator, and various forms of Odin worship have also played a prominent role in integrating the concept of race into religion. The Christian Identity movement broke into the mainstream in the late 20th century and is based on the belief that White people of European descent originally hail from the "Lost Tribes" of Israel and that non-Whites do not have souls and therefore can never earn God's favor or be saved. Groups that ascribe to this religion include the Order, Aryan Nations, and many antigovernment militia groups such as the Militia of Montana and the Michigan militia. The Order, also known as the Silent Brotherhood, was founded by Robert Mathews in 1983 and committed armed robberies, the bombing of a synagogue, and the murder of a radio talk-show host in the early 1980s. Many of the members of the Order were recruited from the Christian Identity–based Aryan Nations, National Alliance, and the Ku Klux Klan. A member named David Lane is credited with creating and popularizing the so-called Fourteen Words common to the supremacist movement and its members: "We must secure the existence of our people and a future for white children."

The World Church of the Creator (WCOTC) is a non-Christian religious organization that has become popular among White power groups. Founded in the 1970s, WCOTC largely believes that a person's race dictates his or her religion, and the organization's primary objective is "the survival, expansion, and advancement of the White race." WCOTC advocates the Aryan people to engage in a Racial Holy War (RaHoWa)

based on the apocalyptic conspiracy that Jews will one day mobilize all non-Whites and "race traitors" in order to take over the world and kill or suppress all European-descended Caucasians. Most White supremacist subcultures envisage a wide-reaching Jewish conspiracy, alleging that all Jews belong to a single race, which makes it easier to promote bigotry on both religious and racist fronts. Still active in many areas of the United States, WCOTC was renamed the Creativity Movement in the early 1990s when a similarly titled group trademarked the name World Church of the Creator.

Another non-Christian religious practice, Germanic neopaganism, is becoming common among White supremacists both in and out of prison. These neopaganists, often considered Odinists or Asatrú leaders, have opened numerous prison ministries and are boasting increasing membership throughout the nation. These churches emphasize the supernatural characteristics of pre-Christian European polytheism and, according to the Southern Poverty Law Center, appeal to those urban White supremacists who seek to reject more conservative Christian-based religions.

White Supremacist Groups

Categorized by common ideologies, religious foundations, and member characteristics, the following groups are interrelated and often work with one another in their mission to promote White power.

Nazis

The Nazi Party, led by Adolf Hitler, an Austrian-born veteran of World War I, originated in Germany and stressed the idea of racial purity of the so-called Aryan heritage. Not only were Jews targeted, but also homosexuals, the mentally disabled, Slavs, Poles, and various other non-Aryans. The end of World War II saw the collapse of the Nazi Party, although Nazi beliefs continue to spread in both Europe and North America today. These groups and individuals are referred to as neo-Nazis. Neo-Nazi organizations range from small groups, such as the National Alliance and White Revolution, to widespread factions like the National Socialist Movement and the American National Socialist Workers Party.

According to the Anti-Defamation League, the National Socialist Movement, based in Minneapolis, Minnesota, is the largest neo-Nazi group in the United States. Members wear Nazi uniforms and proudly display swastikas on their hats and sleeves. The National Socialist Movement promotes anti-Semitic and racist ideology through Internet-based radio, video games, literature, and "White power" music. The group was originally founded in 1974 by Robert Brannen and Cliff Herrington but is currently led by Jeff Schoep. The National Socialist Movement traces its roots back to George Lincoln Rockwell's American Nazi Party of the 1960s. George Lincoln Rockwell started the party, originally named the American Nazi Party, which became the first well-established neo-Nazi organization in America.

The second largest organization, the American National Socialist Workers Party, was formed by William "Bill" White in 2006 after he was expelled from the National Socialist Movement. White, a Holocaust denier, spreads anti-Semitic and racist propaganda through both the Internet and radio outlets. In the forefront of the media machine, he runs the largest White supremacist Internet forum, Overthrow.com, and has also created a magazine called *National Socialist: Journal of the American National Socialist Workers Party*.

Skinheads

The skinhead movement began as an urban subculture in the United Kingdom during the 1960s and attracted mostly young males, who shaved their heads, wore black boots and suspenders, and obtained tattoos and piercings depicting their White power beliefs. Skinhead groups presently exist in both Europe and North America and are heavily associated with the White supremacist movement. Punk rock is one common theme the original faction shares with the current movement, although the new music has adopted lyrics espousing White power ideals.

One major group, Blood and Honour, originated from British White supremacists and grew to become international, with an extensive presence in the United States, Canada, and many European countries. Volksfront claims to represent the

American chapter of the group and is also affiliated with the Hammerskins. Blood and Honour is often represented by the letters B and H, or the number 28 correlating to the letters B and H. Other groups, such as Hammerskin Nation, Keystone State Skinheads, and White Aryan Resistance, the latter founded by notorious skinhead Tom Metzger, are well known for their violent activity at home and abroad, having committed murder, firebombings, and assaults.

Prison Gangs

A high concentration of White supremacist ideology is located within correctional facilities across America. Prisons are a breeding ground for hatred because of preexisting conflicts among individuals and street gangs. The Aryan Brotherhood was formed in the 1960s in San Quentin Prison in California. Currently, the members engage in a high level of criminal activity inside and outside of the prison system. The 1998 murder of James Byrd, Jr., an African American man in Jasper, Texas, was linked to the Aryan Brotherhood. Byrd was tied up and dragged behind a pickup truck until he died. Despite this incident, the Aryan Brotherhood has become less affiliated with the White supremacist movement because of their drug trafficking actions and cooperation with the Mexican Mafia and other non-White prison gangs.

The Aryan Circle, a prominent group in Texas and other southern states, is another White supremacist prison gang involved in murder and other high-ranking criminal acts. In August 2007, both male and female Aryan Circle members were involved in the shooting death of two Louisiana detectives. Although women are not typically considered as social or intellectual equals to men by most White supremacists, they are often involved in group activities and are referred to as "featherwoods." Both in and outside of the prison system, the group is heavily involved in the trafficking of methamphetamine.

According to the Anti-Defamation League, the Public Enemy Number 1 (PEN1) racist skinhead group has approximately 350 current documented members. PEN1 is based in California and is led by an Aryan Brotherhood associate, Donald Reed Mazza. The group recruits members both in and outside of correctional facilities in order to widen their area of accessibility. All members participate in various illegal activities, including drug trafficking, identity theft, and murder. The group has a strict policy of "Whites only" even though the association of non-Whites is allowed when conducting their illegal activities.

Lone Wolves

Although most notable individuals who ascribe to the White power ideology belong to a group, some have acted independently of a larger unit. Timothy McVeigh, the Oklahoma City bomber, supported various militia movement ideals but still preferred to operate outside of a group. After being arrested, McVeigh was found to have *The Turner Diaries* in his possession. A cult classic for White supremacists, *The Turner Diaries* was written by the founder of the National Alliance, William Pierce, under the pseudonym Andrew Macdonald. His novel depicts the overthrow of the American government and the extermination of all Jews and non-Whites. Another lone wolf, Randy Weaver, moved to Ruby Ridge, Idaho, because, he said, he believed in White separatism and wanted better religious opportunities for his family. He soon became involved with the Christian Identity movement and Richard Butler's Aryan Nations. In 1992, Weaver, faced with federal weapons charges, was involved in a standoff with federal agents that resulted in the death of his wife and son.

Internet Activities

White supremacist activity has been expanding over the years, and the expansion is often attributed to the use of the Internet. The Internet allows White supremacist groups to reach out and express their views to a greater number of individuals at a faster rate. Many young individuals begin subscribing to the ideology or are recruited into White power groups because they are uncomfortable with their multicultural surroundings or are misfits or outcasts looking to belong to something larger to identify with. White supremacist groups often attract many young members through social networking sites such as MySpace.com, group chat functions, discussion forums, and punk band websites set up by groups. This exchange of

information frequently reaches a greater number of contacts than does physical recruiting at rallies or concerts. Groups disseminate information more readily on the Internet and have the ability to discuss group progress with like-minded individuals. The progression of group growth and communication also leads to more activities, including rallies and demonstrations, which further promote the mission of each organization.

Current Activities

According to the Anti-Defamation League and other sources, recruitment efforts in groups such as the National Socialist Movement and the Ku Klux Klan have increased recently in an effort to combat the ensuing illegal immigration movement, a political and social issue that many individuals believe will greatly affect the balance of power between Whites and non-Whites in America. More violent White supremacist activity is seen to target undocumented immigrants, or alleged illegals, as the illegal immigration problem continues to be at the forefront of both the mainstream and White supremacist media reports. Growing numbers of White supremacists are engaging in numerous protests and rallies around the country, alongside other anti–illegal immigration movements such as the Minuteman Project.

Megan L. Gray and Stephanie M. Oakley

See also African Americans; Anti-Semitism; Hate Crimes; Ku Klux Klan; Ku Klux Klan Act; Lynching; Militias; Minutemen; Southern Poverty Law Center; White Gangs

Further Readings

Adams, J., & Roscigno, V. J. (2005, December). White supremacists, oppositional culture and the World Wide Web. *Social Forces*, *84*, 2.

Berlet, C., & Vysotsky, S. (2006, Summer). Overview of U.S. White supremacist groups. *Journal of Political and Military Sociology*, *34*(1), 11–48.

George, J., & Wilcox, L. (1992). *Nazis, Communists, Klansmen, and others on the fringe: Political extremism in America*. Buffalo, NY: Prometheus Books.

Schlatter, E. A. (2006). *Aryan cowboys: White supremacists and the search for a new frontier, 1970–2000*. Austin: University of Texas Press.

Whren v. United States

Among the issues present in this case is the concern with police encounters with citizens of interest that may be viewed as pretextual in nature. The petitioners in *Whren v. United States* contend that the police stop for a relatively minor motor vehicle violation was used only to justify a subsequent lawful encounter with the occupants of the vehicle to investigate potential violations of drug laws rather than the stated reason for the vehicle stop, which, in this situation, was the enforcement of the motor vehicle code. This entry describes the facts of the case and the decision of the U.S. Supreme Court. A major concern was the extent to which pretextual stops may primarily target young African American males in high-crime areas with the goal of enforcing drug and weapon offenses.

The Vehicle Stop

Michael Whren was a passenger in a vehicle driven by James L. Brown on June 10, 1993, in Washington, D.C. Brown's vehicle was pulled over by an undercover officer for a number of traffic violations, including turning without proper signal and driving at an unreasonable speed. The events leading up to the traffic stop began with police officers observing the vehicle taking too much time at a stop sign and its driver being distracted by the passenger. At the time of the traffic stop, Whren was in possession of two bags of crack cocaine and marijuana laced with PCP (phencyclidine, a hallucinogen). The drugs were observed in plain sight as the police officer approached the vehicle as it was penned in by traffic at a red light. In addition to possession and intent to distribute 50 or more grams of crack cocaine, the vehicle stop occurred in a school zone; this resulted in additional charges against Brown and Whren. Both defendants received a 14-year prison sentence for the drug offense. The admissibility of the drug evidence was challenged and eventually reached the U.S. Supreme Court.

An interesting aspect of the Whren case involved the use of unmarked police vehicles and undercover police officers in Washington, D.C.,

in making vehicle stops for traffic violations. For a variety of reasons, Washington, D.C., police department policy in effect at the time discouraged unmarked police vehicles from making routine traffic stops unless the nature of the traffic violation rises to the level as to pose an immediate threat to public safety. One may question whether the motor vehicle violations described in *Whren* rose to the level of an immediate threat to public safety although the stop eventually took place in a school zone. The officers in the *Whren* case stated that it was not their intention to write a summons to the driver for the moving violations, beginning with staying too long at a stop sign, but to probe why the driver caused the traffic obstruction and his motivations for the other violations, such as driving at an unreasonable rate of speed for the area.

The U.S. Supreme Court Decision

The Court noted that a traffic stop is reasonable and permissible as long as probable cause of a violation of the law existed to initiate the vehicle stop rather than the motivations of the officer for the stop. In the present case, Washington, D.C., police officers patrolling a high drug area in an unmarked police vehicle had probable cause to stop the vehicle driven by Brown. It was during that legitimate police stop that Officer Soto observed crack cocaine in Whren's hands. The evidence observed during the valid police encounter was ruled admissible in court. The petitioners in *Whren* advocated for a new standard for Fourth Amendment consideration in traffic stop cases based on whether a reasonable officer *would* have made the stop for the initial violation observed, a test that was used by two federal circuit courts at the time, rather than the eventual accepted doctrine of the U.S. Supreme Court which concerns whether the police *could* have made the vehicle stop.

The decision in *Whren v. United States* was contrasted against previous cases involving inventory searches and administrative searches that were conducted in situations absent probable cause of a specific criminal offense and, as the Court noted, amounted to a rummaging of the suspect's property. Justice Scalia points out that pretext searches conducted without probable cause are unreasonable. The Court in the unanimous opinion in *Whren* found that evidence obtained during a reasonable search would be admissible in court regardless of whether that evidence was related to the original justification for the search.

Racial Profiling

Washington, D.C., experienced a dramatic problem with drug offense violations and violent crime during the early 1990s. In June 1993, Washington, D.C., had experienced a number of murders, including 10 homicides within 36 hours. A concern emerged as to whether the vehicle driven by Brown, with Whren as a passenger, was targeted by police because the occupants were African American males who may be violating drug laws. The vehicle, a Toyota Pathfinder with temporary license plates, was being driven by a youthful-looking African American male in a high drug area. Such a motivation for the stop may rise to the level of a violation of the equal protection clause due to its selective enforcement of the law against protected classes of individuals based on legally irrelevant factors. Violations of the equal protection clause, if it was supported, would not be accompanied with exclusion of the evidence in the case. It has been noted that the two Washington, D.C., police officers in the *Whren* case would later run into legal trouble themselves, including allegations of perjury, planting evidence, and excessive force.

The issue of pretext stops is connected to the practice of profiling suspected offenders, which dispatches the need for individualized suspicion of wrongdoing. An additional problem concerns the difficulty in adequately demonstrating a violation of equal protection. Although a disproportionate application of the law may exist, it is difficult to prove; plaintiffs would also need to demonstrate discriminatory actions in their particular case. This concern is heightened based on the disproportionate impact of drug law enforcement on racial and ethnic minorities. For example, *United States v. Armstrong* noted that all the defendants in the jurisdiction (Washington, D.C.) who were arrested for crack cocaine possession were African American.

David A. Mackey

See also Profiling, Racial: Historical and Contemporary Perspectives; *United States v. Armstrong*

Further Readings

Johnson, K. R. (2006). *The story of* Whren v. United States*: The song remains the same*. Davis: School of Law, University of California, Davis.

LaFave, W. R. (2004). The "routine traffic stop" from start to finish: Too much "routine," not enough Fourth Amendment. *Michigan Law Review*, *102*(8), 1843–1905.

WILDING

The term *wilding* first arose in connection with the Central Park jogger rape case in New York City in 1989 and generally refers to random crime sprees by urban youth for recreational purposes. The origins of the term are somewhat murky, but its subsequent widespread use by media outlets is well documented. The term was usually employed with distinct racial and ethnic overtones and applied to particular kinds of crimes, though its meaning and usage shifted over time. The use of the term promoted public fear of crime and contributed to racial tension in New York City during the early 1990s.

Origins

After the woman in the Central Park case, who was beaten, raped, and left for dead in a ravine, was found, police rounded up minority youth who had been in the park that night. Five boys, ages 14 to 16, were ultimately convicted of the crime and served 5 to 10 years in prison. In 2002, a man serving sentences for other violent crimes confessed to the rape, insisting that he acted alone, and DNA testing confirmed his claims. The convictions of the five boys were vacated. Although there is some debate over the actual origin of the term *wilding*, it probably first appeared in a *New York Times* article quoting a detective who reported that some of the youth brought in for questioning in the case had said the attack, and other lesser crimes in the park that night, were part of a pastime called "wilding." Others have attributed the term to a misunderstanding between a tabloid reporter and a teenager from the same neighborhood as the accused, arguing that the youth had actually been referring to the Tone Loc song "Wild Thing." When asked what his peers were doing that night in the park, he allegedly said they were out "going wild thing," referring to either having fun or looking for consensual sex. The reporter may have misheard this and come up with the term *wilding*, in reference to the crime. Others have argued that the term was purely a deliberate invention of the police and the media. Either way, the term became the primary way of framing the Central Park jogger case and was quickly branded a new kind of urban threat. However, the term never had any basis in actual youth culture or behavior and existed solely in the realm of the media and public consciousness.

Usage and Meanings

The term *wilding* has no legal meaning, and its popular usage and meaning continually shifted during the jogger case and in the years following the case. As a result of popular disagreement over the meaning of *wilding*, the application of the term to specific incidents was often inconsistent and almost exclusively a media exercise. Although the police reported that the jogger case had nothing to do with race, and *wilding* initially referred only to sex crimes committed by groups of teenagers, the term quickly became racialized, and the media classified any violent crimes committed by Black and Latino youth against Whites as wilding. The term played on criminal racial stereotypes of young Black and Latino men as dangerous threats to social stability. It also invoked animalistic stereotypes of minority youth and was often combined with such terms as *savages*, *animals*, and *wolf packs*. The key criteria in labeling an incident wilding, in most cases, seemed to be Black and Latino teenage offenders and White victims. Critics were quick to point out that the term was rarely used to describe crimes where the offenders were White youth. Later, the media began applying the term more widely, to include minor crimes such as vandalism and street harassment. The use of the term *wilding* tapered off over time, and by 2000,

the word was very rarely used. After the youth in the jogger case were exonerated in 2002, the term was revisited, but largely from a retrospective position.

Wilding also contributed to the popularization of the myth of the juvenile "superpredator," which predicted that by the year 2010, the streets of America would be flooded with nearly 300,000 brutal, amoral teenage criminals who were beyond reach of social and rehabilitative programs. The superpredator myth was employed primarily as a justification for "tough on crime" policies in spite of the historic drop in crime rates during the 1990s.

Wilding and Public Fears

Public concern and reaction to wilding was greatly disproportionate to its actual threat. Constant police and media reinforcement of the idea of wilding as a new kind of criminal menace created a sense of fear and hostility in New York City residents that has been described by some as a moral panic. The framing of wilding in racial terms encouraged fear among Whites and hostility toward minority youth, who were stereotyped as an out-of-control, amoral, and dangerous class of people. Although wilding was initially viewed as a distinctly New York phenomenon, public fear and hostility toward minority youth spread outward to other metropolitan areas. The media's selective, racialized application of the term strengthened this hostility and fear.

Monica Erling

See also Central Park Jogger; Moral Panics

Further Readings

Hancock, L. (2003). Wolf pack: The press and the Central Park jogger. *Columbia Journalism Review*, *41*(5), 38–42.

Welch, M., Price, E., & Yankey, N. (2002). Moral panic over youth violence: Wilding and the manufacture of menace in the media. *Youth Society*, *34*(1), 3–30.

Welch, M., Price, E., & Yankey, N. (2004). Youth violence and race in the media: The emergence of "wilding" as an invention of the press. *Race, Gender & Class*, *11*(2), 36–48.

Willie Bosket Law

The Willie Bosket Law refers to the Juvenile Offenders Act, a New York State law that lowered the age of original jurisdiction for the juvenile justice system for specific violent offenses. In effect, the law made more juvenile offenders, as young as 13, subject to the adult criminal justice system as a means of getting tough with juvenile offenders. The Willie Bosket Law predates many similar substantive changes to the juvenile justice systems in other states. This entry presents a brief description of the crimes committed by Willie Bosket that led to the passage of the law as well as an outline of the most significant changes in the area of juvenile justice concerning waivers and transfer provisions.

Bosket's Crimes

New York dramatically changed its juvenile justice system in the wake of two homicides committed on the New York transit system by 15-year-old Willie Bosket. Public and political sentiment, as a result of the crimes, was to get tough with violent, predatory juvenile offenders. Just a short time before the two homicides and another shooting that resulted in serious injury to the victim, Bosket got into a fight with a drug dealer who was trained as a boxer. During the fight, the drug dealer fell to his death from a tenement rooftop. Bosket was charged with two counts of murder and one count of attempted murder. He pled guilty to the three felonies. The juvenile court judge administered the most punitive penalty available in the juvenile justice system, which was 5 years; Bosket would be released when he reached the age of 21. He escaped from the juvenile facility at age 16. He was sentenced to 4 years in an adult facility for the escape since he was considered an adult at age 16 under New York law. At age 20, he was returned to the juvenile facility to serve his remaining time for his original juvenile convictions. After his release, he was later convicted of attempted assault and was sentenced to 3½ to 7 years in prison. While in prison, Bosket was convicted for arson and two counts of assault. These convictions resulted in a persistent offender sentence of

25 years to life for his third felony conviction. He would later be convicted of attempted murder for stabbing a correctional officer as well as other subsequent assault charges.

Bosket's Background

Willie Bosket, Jr., was born on December 9, 1962, to Laura and Butch Bosket. At the time of his birth, Butch Bosket was in prison for a double homicide. Willie Bosket's criminal career and involvement in the criminal justice system had very striking similarities with his father's, including identical criminal charges as well as placements. From a very early age, Willie Bosket was involved in thefts and assaults. Bosket was motivated by his reputation on the streets, which rewarded violence and intimidation. Common themes of his adolescence were feelings of abandonment, such as when he was left at Bellevue Hospital and Wiltwyck (a juvenile facility), and rejection by parents. He also expressed a desire to imitate his father in terms of his criminal career. While he was in Wiltwyck, Bosket assaulted other youth, lit a youth's bed on fire, made numerous attempted and successful escapes, and assaulted staff (biting, kicking, punching, strangulation, and assault with a board with nails, pool cue stick, scissors, and chairs). The decision was finally reached to transfer Bosket from Wiltwyck to Bellevue. While at Bellevue, he also set another bed on fire with a sedated patient and assaulted staff. By age 13 he had served 3½ years in a number of juvenile institutions. Bosket had been in and out of numerous institutions as a result of escapes, transfers, and ineffective case management.

Juvenile Offender Act

The Juvenile Offender Act was passed by the state legislature in New York in 1978 during a special session following Bosket's sentencing. The act created a new legal category called juvenile offenders. These offenders, ages 13 to 15, faced adult sanctions but, because of their ages, were housed with juveniles in the juvenile justice system. New York defines the jurisdiction of its juvenile justice system for delinquent acts from age 7 for the youngest age of original jurisdiction to age 15 for the oldest age for original jurisdiction. The juvenile justice system may retain jurisdiction over juvenile offenders until their 21st birthday. Juvenile proceedings in New York are generally closed to the public.

Key Provisions

From 1992 to 1997, the majority of states made significant changes to key provisions of their juvenile justice system. In particular, 45 states made changes to their transfer provisions, which had the effect of making it easier to try youths in adult court. The most common mechanism to move juveniles from the juvenile court to the adult court was through judicial waivers. A discretionary judicial waiver is a process that relies on a judge's discretion to determine whether a juvenile is no longer amenable to treatment in the juvenile justice system and instead is deserving of a more punitive response in the adult criminal justice system. A number of the more recent juvenile justice provisions were efforts to move discretion away from the juvenile court judge and to move the discretion for the waiver decision-making process to the prosecutor. One legal mechanism to move discretion from judges to prosecutors was with concurrent jurisdiction. Concurrent jurisdiction allows a prosecutor to determine whether to file charges in the adult court or the juvenile court.

Another area of the juvenile justice system that underwent significant change during the same time period was the sentencing authority for adult and juvenile court judges. Thirty-one states made changes regarding sentencing authority. Within the category of sentencing authority changes, one example of statutory changes allowed juvenile court judges to give blended sentences; these sentences provided the legal authority for a judge to deliver both a juvenile sanction and an adult sanction for the same offense. The adult sanction would begin at the conclusion of a juvenile sanction, usually at the oldest age the juvenile justice system would retain jurisdiction over the youth. In addition, nearly all states (47 states total) made changes with regard to the confidentiality of juvenile records and proceedings. New York is among 29 states that utilize statutory exclusion as a mechanism to try juveniles as adults. In this model, judicial and prosecutorial discretion is limited by

state legislative decision making that determines at what age a youth will be charged as an adult for specific charges.

Reverse Waiver System

Changes in the New York juvenile justice system predate the changes that occurred in many states during the 1990s. The intent and purpose of these changes were to make more juveniles subject to sanctions within the adult criminal justice system rather than having them remain in what was perceived as a lenient juvenile justice system. Many of these changes were the result of political and public influences that were further instigated by the actions of Bosket. Consequently, some juveniles end up in the adult system but, by the nature of their physical and emotional maturity, would be better served in the juvenile justice system. As a result, New York is among half the states that also have a reverse waiver provision. A reverse waiver is a mechanism to transfer youths from the adult criminal justice system to the juvenile justice system. Reverse waivers can provide some mechanism to provide more individualized response for youth who fall under statutory exclusion laws, for example, youth who are physically and emotionally immature as well as youth who would benefit from the treatment philosophy of the juvenile justice system.

David A. Mackey

See also Family and Delinquency; Juvenile Waivers to Adult Court; Violent Crime; Violent Juvenile Offenders

Further Readings

Butterfield, B. (1995). *All God's children: The Bosket family and the American tradition of violence*. New York: Knopf.

Snyder, H. N., & Sickmund, M. (2006). *Juvenile offenders and victims: 2006 national report*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

Tanenhaus, D. S., & Drizin, S. A. (2002). "Owing to the extreme youth of the accused": The changing legal response to juvenile homicide. *Journal of Criminal Law and Criminology*, *92*(3–4), 641–705.

Wilmington Ten

The Wilmington Ten were those arrested, tried, wrongfully convicted, and incarcerated for arson and for firing guns at responding emergency personnel during a violent 1971 episode in the North Carolina seaport, following sudden school desegregation in 1969. Although the 1954 U.S. Supreme Court decision in *Brown v. Board of Education* had struck down the "separate but equal" ruling of *Plessy v. Ferguson* (1896), many southern school boards resisted integration for over a decade before it was finally instituted. Wrongfully convicted of violent crimes, the Wilmington Ten—eight Black high school students, a Black minister of the United Church of Christ, and a White female social worker—were actually victims of the racial and political turmoil during America's civil rights era.

Wilmington's modern racial unrest began when Martin Luther King, Jr., who was scheduled to visit Wilmington on April 4, 1968, instead stayed in Memphis, Tennessee, after violence erupted there, and was killed that day. Black high school students in Wilmington peacefully protested King's murder on April 5, but 3 days of rioting followed, with order restored only when 150 National Guardsmen occupied the city.

Until 1969 Wilmington had three high schools: all-White New Hanover and Hoggard and all-Black Williston Industrial. When desegregation came in the summer of 1969, Black students and teachers were reassigned to New Hanover and Hoggard, while Williston was summarily closed (later to become a junior high school). The closure of Williston stunned the Black community, which had taken great pride in the school. Blacks' sudden presence in the formerly all-White schools brought resentment from both sides. Blacks who had been active in athletics and clubs at Williston were excluded from sports teams and clubs at New Hanover and Hoggard high schools. Taunts and attacks resulted in fights, and police presence was constant. High school unrest became citywide and included rioting and arson, including the burning of the school board's building.

In January 1971, hundreds of Black students boycotted the schools. The White pastor of Gregory

Congregational United Church of Christ, Eugene Templeton, offered his integrated church as a gathering place and school alternative. On February 1, 1971, the national United Church of Christ's Commission on Racial Justice sent the young Reverend Benjamin Chavis to Wilmington to organize and provide structure for the students. Chavis, sporting a large Afro, delivered fiery speeches denouncing segregation and demanding social justice. Images of Chavis speaking and crowds of Black youth responding with raised fists dominated local news.

Soon members of a White supremacist group, The Rights of White People (ROWP), a Ku Klux Klan affiliate, arrived. Heavily armed, the ROWP held Klan-like meetings in a public park, ratcheting up tension. Black protesters marched repeatedly to City Hall, requesting a citywide curfew to stop the gunfire that nightriders aimed at the Gregory church. (One night, a Black witness counted over 30 cars with White occupants circling Gregory church.) Curfew was denied.

On February 6, 1971, Mike's Grocery, a convenience store a few hundred yards from Gregory church, was firebombed. Responding police and firefighters were met with sniper fire, which they returned, killing a Black teenager with a gun, Steve Mitchell, in an alley near the store. There was a perception that snipers were in or near the church. The next day a White man with a pistol, Harvey Cumber, was killed in his truck near the church by persons unknown. Rumors of guns, dynamite, and bomb-making in Gregory church circulated. Mayor Williams requested assistance from the National Guard and the Bureau of Alcohol, Tobacco and Firearms, and a curfew was finally declared.

By March, police had compiled a list of 16 suspected to have either conspired or participated in the firebombing and shooting. Ultimately 10 were arrested and convicted of felonious burning and conspiracy to assault responding emergency personnel, based on the testimony of three Black teenagers. The Wilmington Ten—nine Black men (Benjamin Chavis, Willie Vereen, Wayne Moore, Marvin Patrick, William "Joe" Wright, Reginald Epps, Connie Tindall, James McKoy, and Jerry Jacobs) and a White social worker (Anne Sheppard Turner) were sentenced. All were high school students except Chavis and Turner. Their story gained international attention as Amnesty International publicized and protested their status as political prisoners. Writer James Baldwin, U.S. Ambassador to the United Nations Andrew Young, and many others condemned their convictions and long sentences. In 1978, thousands of protesters marched in Washington, D.C., demanding the release of the Wilmington Ten.

North Carolina Governor James Hunt commuted their sentences in 1978 but refused to pardon them. Although he refused to release them, he did reduce their sentences in 1978. By 1979, all the Wilmington Ten had been released. In 1980, the U.S. Fourth Circuit Court of Appeals voided the convictions on the basis of prosecutorial misconduct by Assistant District Attorney Jay Stroud, who coached and bribed the witnesses and altered the written statement of the primary witness, Allan Hall. Three key witnesses had also recanted.

Elizabeth Hines

See also African Americans; Ku Klux Klan; Media Portrayals of African Americans; Political Prisoners; Race Riots; Racism; Sentencing Disparities, African Americans

Further Readings

Chavis v. State of North Carolina, 637 F.2d 213 (4th Cir. 1980).

Fraker, S. (with Smith, V. E., & Lee, E. D.). (1978, July 31). US political prisoners? *Newsweek*, p. 23. Retrieved from http://web.mit.edu/esg-conscience/www/resr/mmr-young.shtml

Grimsley, W. (2003). Jim Hunt's political prisoners: The Wilmington Ten and the Charlotte Three. In *James B. Hunt: A North Carolina progressive* (pp. 137–158). Jefferson, NC: McFarland.

King, W. (1978, December 3). The case against the Wilmington Ten. *New York Times Magazine*.

Reaves, W. M. (1998). *Strength through struggle: The chronological and historical record of the African American community in Wilmington, North Carolina, 1865–1950*. Wilmington: New Hanover County Public Library.

Tyson, T. (2004). *Blood done sign my name*. New York: Crown.

Wilson, Genarlow (1986–)

Wilson v. State was a case involving a Genarlow "Genardo" Wilson, a high school senior in Georgia who was convicted of aggravated child molestation. He served more than 2 years before the Georgia Supreme Court found his sentence "cruel and unusual" and ordered his release. Wilson is an African American, and his victims were White females. His experience has been widely criticized as an example of racial bias in the criminal justice system.

In 2003, Wilson was a 17-year-old senior at Douglas County High School in Douglasville, Georgia. He had everything going for him: He was an honor student, star athlete, and homecoming king. That year, Wilson attended a New Year's Eve party in a Douglasville, Georgia, hotel room that was later investigated by police. The police found evidence at the hotel room of drinking and sexual activities—alcohol containers and condoms were left in the room from the night before. The police also found a video camera that contained footage of Wilson having sexual intercourse with a 17-year-old female and oral sex with a 15-year-old female. The 17-year-old accused Wilson of rape, and the police charged him with the crime. The video footage did show that the girl appeared to be sleepy or intoxicated; however, the girl never said the word "no" on the video. The 15-year-old female maintained that the oral sex with Wilson was consensual. Wilson maintained that the sexual activities with both girls were consensual. Nevertheless he was charged with sex crimes at a time when there was increased national attention on these types of offenses.

Trial

Wilson's case went to trial in February 2005. He was charged with two counts: rape of the 17-year-old female and aggravated child molestation of the 15-year-old. The jury acquitted him of raping the older girl; however, they convicted him of the charge involving the oral sex with the 15-year-old, despite the 15-year-old's repeated claims that the oral sex was consensual. However, under Georgia law at that time, the age of consent for that act was 16. Since Wilson was 17 and the 15-year-old was a minor, the jury found him guilty of aggravated child molestation. The mandatory minimum sentence for aggravated child molestation in Georgia is 10 years, while the maximum sentence is 30 years.

The trial court gave Wilson an 11-year sentence, 10 to be served in prison and 1 year to be served on probation. Under the terms of the sentence, Wilson also would have been required to register as a sex offender after his release. Such registration would have required that he provide officials with his new address, fingerprints, his social security number, and a photograph, among other things, and update this information annually throughout his lifetime. The requirement reflected the concerns that had led to the enactment of Megan's Law legislation to deter sex crimes. Many states and localities have very strict laws that allow monitoring of sex offenders who are released into the community after serving their sentence. ("Megan's Law" refers to both the federal Sexual Offender Act of 1994 and the various state laws that were passed requiring registration of sexual offenders and community notification concerning their place of residence.)

After the trial, some of the jury members admitted to not knowing that the verdict Wilson received could result in such a harsh punishment. An irony of Wilson's case is that if he and the 15-year-old girl had engaged in sexual intercourse rather than oral sex, Wilson would have been charged with a misdemeanor and would not have had to register as a sex offender. After his conviction, the loophole in the law that allowed this distinction was eliminated, changing the offense to a misdemeanor carrying a maximum sentence of 1 year in prison. Some of the legislators admitted that the law was intended to safeguard women and children from sexual predators, not to police teen sex. Wilson appealed the conviction twice to the Georgia Supreme Court; however, the court refused to hear the case both times, stating that the new legislation passed could not be applied retroactively.

Habeas Corpus

Wilson's attorney filed a writ of habeas corpus, arguing that Wilson was imprisoned unlawfully. In June 2007, the Superior Court of Monroe

County of Georgia reduced Wilson's sentence to a misdemeanor aggravated child molestation. The court also ordered that his name not be put on the sex offender registry and resentenced him to 12 months, allowing time served to count. The ruling judge, in reaction to Wilson's case, admitted that the case was an example of injustice. Wilson's attorneys filed an appeal because the state would not release him on bail, and the State Attorney General, Thurbert Baker, also filed an appeal challenging the reduction of Wilson's sentence and his release.

Wilson v. State

The Georgia State Supreme Court, on October 26, 2007, upheld the lower court's ruling and ordered his release from prison, holding that Wilson's sentence constituted cruel and unusual treatment. The Supreme Court held that in its ruling on habeas corpus, the lower court had erred in convicting and sentencing Wilson. The high court ordered the habeas corpus court to reverse Wilson's conviction and sentence and release him from custody. The majority opinion of the judges was that the sentence Mr. Wilson received was grossly disproportionate for his crime.

Reactions

Wilson had served 2½ years of his sentence by the time he was freed from prison. The race of the defendant in this case and how he was treated are hard to ignore. Former U.S. President Jimmy Carter questioned whether race had played a role in Mr. Wilson's treatment, given that White defendants had received lesser punishments for the same conduct as Wilson's. Black leaders have also criticized the way the case was handled.

Kendra Bowen

See also Crime Statistics and Reporting; Disproportionate Incarceration; Sentencing Disparities, African Americans

Further Readings

Supreme Court of Georgia. (2007). *Wilson v. The State*. Retrieved from http://www.gasupreme.us/pdf/s07a1481.pdf

Work, Monroe Nathan (1866–1945)

Monroe Nathan Work was one of the first African American sociologists in the history of the United States. His work was derived from his vision of enlightening both African Americans and Whites about African American history and the causes of African American criminal offending. In his research, Work sought to eradicate some of the false assumptions held about African Americans. His extensive research showed that endemic African American criminality was a myth. Work used sociological research to explain that African Americans were not inferior to White Americans as previously perceived. Using knowledge as a means to advance the status of African Americans in America, he campaigned for improving African American health, exposing lynching, and using interracial cooperation to impart knowledge.

Work is best known for compiling comprehensive information about African Americans in his publication of *A Bibliography of the Negro in Africa and America* (1928). He provided information about the life of African Americans, including their employment, religion, living conditions, marital status, and criminal offending. He suggested that there appeared to be a relationship between the social condition of African Americans, specifically economics, and crime. Work published numerous research articles that used quantitative data to illustrate the criminal offending rates of African Americans. In his research, Work supposed that African American crime was typically the result of African Americans' economic condition. Work noted that criminal offending of African Americans was sanctioned much more harshly than offenses committed by Whites. Specifically, Work noted how the convict-lease system exploited African Americans.

Work lived in an extraordinary period in African American history. He was born only a few years after the Emancipation Proclamation, at the height of racial ignorance, lynching, and segregation. He endured pervasive, overt racism that was ever-present during his lifetime. His research challenged the status quo by informing and educating American society of the prejudice and discrimination endured by African Americans. He was a

member of several professional associations and published numerous research articles on the causes and extent of African American crime.

Background

Monroe Work was born August 15, 1866, in North Carolina to ex-slaves. He worked on the family farm before beginning his high school education at the age of 23. Work entered the Chicago Theological School and worked briefly as a Methodist minister before beginning his formal education. He received a bachelor's degree in philosophy in 1902 and a master's degree in sociology in 1903. In 1900, Work became the first African American to be published in the *American Journal of Sociology*. The publication focused on African American crime in the city of Chicago. Work developed an interest in African culture and began to conduct research in the area under the direction of University of Chicago professor W. I. Thomas. Work completed his graduate work at the University of Chicago. He was the first African American to receive a master's degree from the university. The University of Chicago's sociology department was pioneering during its time, as the paradigm of both sociological and criminological thought shifted from explaining crime using personal and genetic characteristics to explanations involving the social structure and the physical environment. Monroe Work used research to illustrate the plight of the African American, thus increasing awareness of how the social structure and the physical environment were used as tools in the oppression of African Americans.

Research Contributions

From 1903 to 1908, Work served as a faculty member at Georgia State Industrial College in Savannah, Georgia. He became disenchanted with the treatment of African Americans in the Deep South. The passage of the Jim Crow laws in 1906 further dismayed Work and encouraged him to pursue more extensive African American research. During his tenure, he continued his African culture studies and began working on his soon-to-be best-known work, *A Bibliography of the Negro in Africa and America*. In 1908, Work accepted a position at the Tuskegee Normal and Industrial Institute and later became the director of records and research. Although he was employed to maintain existing research and analyze statistics, Work used his position as a platform to educate and produce writings that exposed the segregation, discrimination, and White supremacy that perpetuated everyday African American life. In 1912, Work produced the first edition of the *Negro Year Book*. The *Negro Year Book*, founded and edited between the years 1912 and 1938, examined sentencing disparities, police brutality, and juvenile rates of offending. The *Negro Year Book* was a comprehensive reference of African American works and was expanded to include bibliographies of Africa.

Work devoted much time and effort to ascertain the excessive use of lynching in the South. African Americans who were charged with rape were typically hanged, and racially motivated lynching of African Americans generally stemmed from the assumption that African Americans raped White women because they sexually craved and desired White women. Work believed that unmasking racial stereotypes would help to ease racial tensions and reveal the truth behind lynching. Thus, he presented facts to illustrate that the lynching of African Americans was used as a tactic to terrorize African Americans, that lynching was used as an institutionalized method of social control orchestrated by racist Whites to threaten African Americans and maintain the status quo.

After the Civil War, lynchings were pervasive in the South. To expose and publicize the prevalence of lynching, Work provided data on lynching to two rival newspapers so that they could compete against one another to reveal the statistics. By 1915, Work's lynching reports were published in the *World Almanac*. During his work at the Tuskegee Institute, Work produced the *Tuskegee Lynching Report*. The report provided information on all lynchings, regardless of the victim's race. Work recorded all incidents in the *Tuskegee Lynching Report*, which included indictments, convictions, and sentencing data. The reports also provided specific information such as grisly details and murders of innocent individuals.

A Bibliography of the Negro in Africa and America is Work's most revered piece of research.

The bibliography has 17,000 entries and 74 chapters with pages 1–247 focusing on Africa and pages 251–660 focusing on African Americans. He recorded the African American experience by creating a comprehensive reference. His works provided a context for understanding crime within a sociological and historical context. The bibliography included data from numerous sources, including periodicals, books, official documents, and government reports. The research is very inclusive, as Work traveled to Europe to obtain data on Africa and African people. The bibliography includes information on African American history, business, crime, culture, art, and literature. The work has been widely used in research. Work had many research interests and published a number of works on race relations, lynching, family, and African American health.

Influence

Although Work used scholarly research to increase African American awareness, he also invested time in the community through his participation in the Niagara movement. The Niagara movement was a revolutionary movement by African Americans to publicly oppose the African American condition and end racial discrimination. The movement provided a platform for discussing issues that directly impacted African American life. In 1905, Work's interest in increasing African American health care awareness resulted in the creation of a Men's Sunday Club in Savannah, Georgia. The Men's Sunday Club organized a health campaign drive to increase access to health care information and services. As a result of Work's interest in promoting general health care, African Americans were given access to medical doctors, dentists, and health care educators. Health care information was presented during Sunday morning worship so that all African Americans, regardless of class, could receive access to such critical, life-sustaining information. During this period, African Americans suffered from myriad disadvantages, including high mortality rates, poverty, substandard living conditions, poor diets, and inadequate access to health care. Inadequate housing and health care for African Americans resulted in many deaths from chronic and infectious disease. Work suggested that life expectancy could increase with adequate health and sanitation. The club meetings, with the support of Booker T. Washington, prompted the beginning of Negro Health Week, which, in 1915, became National Negro Health Week. Work's efforts and determination resulted in Negro Health Week becoming a national campaign with involvement from the federal government. There were several activities in place to educate African Americans about good health practices. The health week included such activities as school health, sanitation, general cleanup, and health week sermons. Work stressed the importance of African American health and appealed to Whites, citing economic loss for illness and death as a direct result of poor health. Work's perseverance resulted in a large decrease in the death rate of African Americans. Further, the life span of African Americans increased approximately 7 years as a result of Work's hard work.

Legacy

Monroe Nathan Work was regarded as a quiet, peaceful advocate for racial equality. He used scholarly research, statistics, history, periodicals, and official documents to create a monument of factual information that has been used to gain insight into African Americans. He worked with two of the most influential African American leaders of the early 20th century: Booker T. Washington and W. E. B. Du Bois. Washington and Du Bois had opposing views of how to improve the African American condition. Although he worked with both men, Work used his own methods to eradicate discrimination and prejudice. He used information as a knowledge base to both educate about the injustices that occurred in African American daily life and bring to light the intricate beauty and uniqueness that is ever-present in African American culture. Work's research has proven to be a valuable and insightful resource. It is a comprehensive record of factual information about African American life.

Traqina Quarles Emeka

See also Atlanta University School of Sociological Research; Chicago School of Sociology; Du Bois, W. E. B.; Lynching

Further Readings

Gabbidon, S. L., Greene, H. T., & Young, V. D. (2002). *African American classics in criminology and criminal justice*. Thousand Oaks, CA: Sage.

Greene, H. T., & Gabbidon, S. L. (2000). *African American criminological thought*. Albany: State University of New York Press.

Guzman, J. P. (1949). Monroe Nathan Work and his contributions: Background and preparation for life's career. *The Journal of Negro History*, *34*, 428–461.

McMurry, L. O. (1985). *Recorder of the Black experience: A biography of Monroe Nathan Work*. Baton Rouge: Louisiana State University Press.

Quinn, S. C., & Thomas, S. B. (2001). The National Negro Health Week, 1915 to 1951: A descriptive account. *Minority Health Today*, *2*, 44–49.

Wrongful Convictions

Wrongful conviction can be defined as an instance in which a person is tried and convicted for a crime he or she did not commit. Although wrongful convictions may not be commonplace in the United States, such convictions nevertheless do occur, and those who are wrongfully convicted, as well as their families, experience a variety of negative consequences. In the most extreme case, wrongful conviction of a capital offense can lead to wrongful execution of the death sentence.

When someone is wrongfully convicted of a crime, the actual offender is likely to remain free and commit further crimes. In this way the occurrence of a wrongful conviction has the potential to affect every person living in the United States, whether he or she is the wrongfully convicted, a relative of the wrongfully convicted, or simply an individual who is victimized by a criminal who remained free due to the conviction of an innocent person. This entry presents an account of wrongful convictions in the United States, based on empirical studies and statistical evidence. The factors that contribute to wrongful convictions, the frequency of wrongful conviction in the United States, and consequences of wrongful conviction are also examined. Of particular importance in the context of this encyclopedia is that minority individuals, especially African Americans, are more likely than Whites to be wrongfully convicted; the reasons for this disparity are also discussed in this entry.

Factors Contributing to Wrongful Conviction

Research has shown that a variety of errors that may occur within the criminal justice system have resulted in the wrongful conviction of innocent persons. Typically, such factors work in tandem rather than being the sole cause of a wrongful conviction.

Coerced Confessions

The first factor contributing to the wrongful conviction of innocent persons is the incidence of coerced confessions. A coerced confession can occur when police interrogators begin by encouraging the suspect to feel confident about him- or herself but quickly shift to making the suspect's legal situation seem hopeless. Interrogators might begin by claiming their belief in the suspect's innocence but ultimately explain to the suspect that he or she is looking at prison time, or even execution, unless he or she admits guilt and works out a deal with the district attorney. Because confessions are commonly considered to be the most credible evidence of an individual's guilt, the effect that a coerced confession might have on a person's chance of being wrongfully convicted is significant.

Inadequate Assistance of Counsel

A second factor frequently involved in the wrongful conviction of an innocent person is inadequate representation by counsel during trial. Because many individuals cannot afford to hire an attorney, they are often forced to rely on public defenders to handle their cases. Public defenders frequently possess huge caseloads, a minimal budget with which to prepare defenses for clients, and receive insufficient monetary compensation. For these reasons, many public defenders have neither the resources nor the motivation to prepare an effective and sufficient defense for indigent clients. Some defense attorneys even plead defendants guilty without having properly investigated the case or interviewed the defendants in the case. When defense attorneys fail to make a satisfactory

effort to establish their client's innocence, the chance of a wrongful conviction is greatly increased. Because minority individuals are much more likely to be of low socioeconomic status, they are also more likely to be affected by inadequate assistance of counsel. Thus, minority individuals are more likely than their White counterparts to be wrongfully convicted.

Unethical Actions by Police Officers and Prosecutors

Unethical actions by police officers and prosecutors also contribute to wrongful convictions. Law enforcement officers and prosecutors are entrusted with much power and discretionary authority in making arrests and charging individuals. Consequently, it is possible that a dishonest individual in such a position may arrest or charge a person even if he or she is factually innocent. Such officials may claim that they are removing dangerous criminals from the streets when, in fact, they are likely doing more to exacerbate the crime problem by using unethical and illegal methods to "put away" individuals who are innocent. Police officers or prosecutors may justify such unethical behavior by the rationale that, although the individual may not have committed the crime in question, he or she is most likely guilty of another crime anyway. Such unethical and illegal actions by police officers and prosecutors are more frequent in situations involving high-profile crimes, which involve a great deal of public pressure to make an arrest or conviction. The problem of unethical actions by police officers and prosecutors is far from insignificant, according to a study by C. Ronald Huff, former president of the American Society of Criminology, which showed that 63% of cases concerning subsequent exonerations on the basis of DNA evidence had involved such actions.

Eyewitness Identification Error

Although it is often unintentional, eyewitness identification error is the factor most often associated with the occurrence of wrongful convictions. Seventy-nine percent of DNA exonerations examined in Huff's study were based, at least in part, on eyewitness identification error. A similar study by Barry Scheck, Peter Neufeld, and Jim Dwyer showed that as many as 84% of DNA exonerations involved eyewitness identification error. Much literature has been generated concerning the appropriate ways in which to conduct police lineups in order to ensure fairness to all suspects, as well as eyewitness perception and the fact that it can be significantly influenced by systemic, cultural, societal, and psychological factors. Despite all of this, the general public, as well as the jurors serving on various cases at trial, are still apt to believe that eyewitnesses are one of the most credible sources of evidence against a defendant, since these individuals were at the scene and observed the events that occurred. The effect of eyewitness identification error on the likelihood of wrongful convictions is undeniable. It is also important to note that minority individuals, in particular African Americans, are more likely to be misidentified by witnesses. As such, the effects of eyewitness identification error are significantly worsened for minority individuals.

Inappropriate Use of Informants

Another contributing factor to wrongful convictions is inappropriate use of informants. Jailhouse informants are often willing to make false claims about their knowledge of an accused individual's guilt in exchange for some type of personal benefit. Although prosecutors should, and often do, remain skeptical of any information that a convicted criminal provides, there are still those prosecutors who are willing to overlook the informant's prior history and put their skepticism aside in order to gain a more promising chance at a conviction, especially in the instance of a high-profile case. Such weak and fabricated evidence is often adequate in contributing to a conviction since its validity is rarely tested in court. It is estimated that inappropriate use of informants is a contributing factor in approximately 21% of DNA exoneration cases in the United States.

Plea Bargaining

Plea bargaining is also a significant contributing factor in cases of wrongful conviction. Because so many cases are plea bargained and never have the

chance to go to trial, police have learned that it is unlikely their evidence will be tested in the courtroom; thus the importance of such police work is greatly undermined. Consequently, carelessness and negligence in the collection of important crime scene evidence may be viewed as acceptable, so that the chance of detaining the actual criminal is lessened significantly, in turn making a wrongful conviction more likely.

Fraud, Incompetence, and Forensic Error

The final factors contributing to the wrongful conviction of innocent persons are fraud, incompetence, and forensic error. Although advances in forensic technology may be beneficial in improving the precision of the criminal justice system, the control, training, and sometimes the ethics of individuals working in crime labs may be deficient. DNA analyses are relied upon quite heavily in order to exonerate wrongfully convicted persons, and there are instances in which human subjectivity as well as the incompetent, unethical, and unprofessional behavior of some individuals employed in crime labs have affected the outcome of DNA analyses, resulting in wrongful convictions of innocent individuals.

Wrongful Conviction and DNA Technology

All of the factors previously mentioned, usually collaboratively, contribute to wrongful convictions. Yet, the question of the frequency of wrongful convictions remains. The advent of sophisticated DNA technology in the past decade has contributed to an increase in DNA exonerations, shedding some light on the number of wrongful convictions that may occur within the criminal justice system. Although it is not possible to ascertain the exact number of wrongful convictions that may occur in a given year, it is estimated that wrongful convictions occur in less than 5% of cases in the United States.

Increased awareness of wrongful convictions as a result of the increasing number of DNA exonerations has led to new hope for those wrongfully convicted of crimes. In 1992, Barry C. Scheck and Peter Neufeld created the Innocence Project, a nonprofit legal clinic. The project is a national litigation and public policy organization dedicated to the exoneration of wrongfully convicted people through DNA testing and the improvement of the criminal justice system to prevent further wrongful convictions. Dedicated law students handle the cases, supervised by attorneys and clinical staff. Over the past decade the Innocence Project became a founding member of the Innocence Network, which enlists a group of law schools, journalism schools, and public defender offices across the country to assist inmates in trying to prove their innocence. The Innocence Network also consults with legislators and law enforcement officials at the state, local, and federal levels, conducts research and training, produces scholarship, and proposes a number of recommendations to prevent wrongful convictions.

Consequences of Wrongful Conviction

Individuals wrongfully convicted, as well as their families, suffer numerous negative consequences aside from a loss of freedom. The wrongfully convicted and his or her family experience tremendous financial and emotional strain. Many wrongfully convicted individuals spend years in prison and experience anger, fear, and trauma. Many children of wrongfully convicted individuals develop psychological and social problems due to their experiences and are frequently alienated by other children. There is also a good chance that the wrongfully convicted will experience some degree of victimization during imprisonment.

The wrongfully convicted almost always experience the same social stigma as those individuals who were factually guilty of the crime for which they were convicted. Even when wrongfully convicted individuals are exonerated of guilt, many people will remain wary of them; maintaining personal bonds or finding employment after a wrongful conviction can be extremely difficult. Additionally, those individuals absolved of the original charges and released from prison must readjust to society after having fallen behind socially, psychologically, and economically during their imprisonment. Such obstacles can be quite complicated to overcome.

Amanda K. Cox

See also African Americans; Discrimination–Disparity Continuum; Disproportionate Arrests; Disproportionate Incarceration; Disproportionate Minority Contact and Confinement; DNA Profiling; Innocence Project; John Jay College Center on Race, Crime and Justice

Further Readings

Aprille, J. V., II. (2004). Convicting the innocent: An instructional issue. *Criminal Justice*, *18*, 50–51.

Denov, M., Campbell, K., & Huff, C. R. (2004). Wrongful convictions: Perspectives, experiences, and implications for justice. *Canadian Journal of Criminology and Criminal Justice*, *46*, 101–217.

Huff, C. R. (2002). Wrongful conviction and public policy: The American society of criminology 2001 presidential address. *Criminology: An Interdisciplinary Journal*, *40*, 1–18.

Leo, R. A., & Ofshe, R. J. (1998). The consequences of false confessions: Deprivations of liberty and miscarriages of justice in the age of psychological interrogation. *Journal of Criminal Law and Criminology*, *88*, 429–497.

Poveda, T. G. (2001). Estimating wrongful convictions. *Justice Quarterly*, *18*, 689–708.

Radelet, M. L. (2002). Wrongful conviction of the innocent. *Judicature*, *86*, 67–121.

Roberts, P. C. (2003). The causes of wrongful conviction. *Independent Review*, *7*, 567–575.

Scheck, B., Neufeld, P., & Dwyer, J. (Eds.). (2000). *Actual innocence*. New York: Doubleday.

Youth Gangs

Youth gangs constitute a different subculture in American society. They have existed for years among virtually all ethnic groups, and they continue to expand, recruit, and commit a variety of illegal offenses in diverse neighborhoods across the country. While there has been a problem in social science research with defining gangs, a list of general characteristics for youth gangs has survived from the onset of the 20th century to the present day. Those characteristics include age, clothing, symbols, and deviant behavior. Youth gangs differ from adult gangs not only with respect to characteristics such as age, symbols, and clothing but also in terms of the relationships between members.

Youth associate with each other for legitimate and non–gang-related relations, including social, educational, and sports-related activities. Some youth associate with each other because they share the same religious or ethnic interests, which may increase their comfort level in certain settings or in certain neighborhoods. Youth have a natural tendency to want to associate with each other as part of the growing-up process. Alternatively, youth who are loners are often characterized as maladjusted and therefore warrant suspicion as to potential future violent behavior, as evidenced by recent school shootings. Some youth form groups to promote legitimate activities and have no interest in participating in deviant behavior; therefore, it is important not to generalize all youth who belong to social groups as gang members.

Generalizations and stereotypes about gang members can increase at times and in neighborhoods when crime rates spiral upward. Such stereotyping is further fueled by media hype of impending crime, like coverage of the superpredator myths during the 1980s and 1990s that caused the public to exhibit greater fear of its youth with the age. The media were assisted in the creation of hysteria and fear of gang crime by police who responded to the much touted "War on Drugs," which concentrated its efforts in the inner cities and urban areas where a majority of low-income minority youth resided. If more than two youths congregated on a street corner, they were considered gang members, interrogated, and on many occasions detained for further police processing. Concern about youth gangs, that is, moral panic, is precipitated by concern for important issues in decaying urban and city areas. The preoccupation with youth gangs has in the 21st century been almost exclusively focused on African Americans and Hispanic youth.

Today *youth gang* refers to a youth or adolescent group concerned with status, prestige, and turf protection. Typically, the gang has a name, has a location, is relatively well organized, and persists over time. Youth gangs often have a leadership structure that is either explicit or implicit, codes of conduct, colors, special dress, signs, and symbols. Youth gangs can vary across time in terms of age, gender, community, race, and ethnicity, in addition to scope of delinquent or criminal activities. Variations of youth gangs exist. A *posse* or a *crew* is characterized by commitment to criminal activity

for economic gain, which oftentimes involves drug trafficking. Historically, youth gangs were mostly males who engaged in deviant behavior, particularly turf battles and gang fights. The gender roles of gang members have changed in recent years. While female gang activity has not reached the level of that of their male counterparts, female violent gang activity is not significantly different, nor are their reasons for joining gangs significantly different, from those of males. For males and females gang membership entails belonging, self-esteem, protection, and fulfillment of a need to belong to a family. It appears that some female gang members face the additional stigma of being poor, minority, and female.

Youth gangs, male and female, have reportedly become increasingly more violent in recent years. They are involved in major crimes; however, it has become difficult to identify what constitutes gang-related offenses or crimes. Law enforcement has been given the responsibility of such definitions, which may change according to respective agencies that have different procedures for identification of crime categories. Some law enforcement agencies do not distinguish delinquent acts from criminal offenses, while others have separate categories for gang-on-gang violence. Other law enforcement agencies categorize some youth gangs as more violent than others.

Youth gangs are often categorized by ethnicity, race, and class. Hispanic youth gangs have traditionally had a presence in California and other entry points to the United States. Some persist from one generation to another. One of the earliest recognized youth gangs in this country, with a 50-year history, is the Mexican American gang in southern California commonly referred to as Chicanos, yet this group did not have its origin as a youth gang. The Chicanos began as a sports- and church-related group of boys who subsequently developed over the years as youth gangs intended to protect families when men from their community were drafted into World War II. The tradition of gang membership was passed down from one generation of younger boys to the next, with increasingly delinquent behavior as a staple of its existence.

The Chicano youth gangs did not operate as the only gangs in the United States. Historically, youth gangs of Asian descent evolved as immigrant youth who had formed gangs within their own home countries continued the same behavior upon arriving in the United States. Earlier, Asian youth gangs were responsible for a variety of property offenses; however, they eventually graduated to more serious crimes involving home invasions and drug offenses. These gangs have presented particular problems for law enforcement due to their more secretive nature. Vietnamese youth who immigrated in large numbers to the United States at the end of the Vietnam War arrived with few skills, an inability to speak the language, and increased frustration at their apparent inability to assimilate into the American culture. They formed youth gangs. Asian gangs preyed upon their own communities in large part because other Vietnamese were fearful of law enforcement. As youth committed auto thefts, burglaries, extortion, and other forms of violence, little reporting of their activities was conducted. Unlike African American and Hispanic youth gangs, Asian youth did not claim turf or wear colors or exhibit symbols; therefore, it has been difficult for law enforcement to gain an exact assessment of their number or the true extent of their delinquent or criminal behavior. Similarly, Chinese youth gangs originated in China, yet a majority of the membership today was born in the United States. These youth often operated out of legitimate businesses while engaged in violent behavior. They too preyed more upon their own communities due to a sense of fear and vulnerability instilled in the community not to report the gang's behavior to law enforcement. Chinese youth gangs have more recently been involved in human smuggling in addition to other violent offenses that are similar to activity of Hispanic youth gangs.

African American youth gangs are older and larger than the media hype that suggested that the late Tookie Williams was responsible for the growth of youth gangs such as the Bloods and Crips in Los Angeles. Though Williams was influential in early gang activity, these two gangs have expanded far beyond California in recent decades and exist in major cities across the country. They are associated with violence such as drug dealing accompanied by drive-by shootings without regard to age or circumstances of victims.

While law enforcement traditionally targeted minority group gang membership, White youth gangs provided a violent element to the community. White youth known as skinheads are not all

avowed racists, as has been depicted in the media. Some gangs advocate White supremacy while other groups have multiracial memberships. Some youth skinheads, known as the Aryan Brotherhood, have as their mission the elimination of minority groups.

While research suggests that youth gangs exist in most racial and ethnic groups today, the nature and extent of youth gangs remains one of the most perplexing problems facing law enforcement, social service agencies, and researchers. Without a clear definition of youth gangs, there is a distinct danger of misidentifying youth who associate with each other for the sole purpose of being teenagers as opposed to those who associate for delinquent reasons. The lack of a uniform youth gang definition also prohibits a clear delineation between troublesome youth gangs and adult criminal organizations. In order to resolve real and perceived youth gang threats within communities and make the best use of law enforcement resources, consensus must be reached as to what constitutes a youth gang. Without such a definition, there is a risk that some youth will continue to be stereotyped, even with innocent teenage behavior, and law enforcement will concentrate its efforts on the wrong groups at the expense of true crime fighting.

Elvira White

See also African American Gangs; Asian American Gangs; Latino Gangs; White Gangs

Further Readings

Ball, R. A., & Curry, G. D. (1995). The logic of definition in criminology: Purposes and methods for defining "gangs." *Criminology, 33,* 225.

Huff, C. R. (1989). Youth gangs and public policy. *Crime & Delinquency, 35,* 524–537.

Hughes, L. (2005). Studying youth gangs. *Journal of Contemporary Criminal Justice, 21,* 98–119.

Knox, G. W. (1994). *An introduction to gangs.* Lima, OH: Wyndham Hall Press.

Sense, F. A., Winfred, L. T., Jr., He, N., & Taylor, T. J. (2001). Youth gangs and definitional issues: When is a gang a gang, and why does it matter? *Crime & Delinquency, 47,* 105–130.

Sheldon, R. G., Tracey, S. K., & Brown, W. B. (2004). *Youth gangs in American society.* Belmont, CA: Thomson-Wadsworth.

Youth Gangs, Prevention of

Race and ethnicity have significant implications for the prevention of youth gangs. Structural factors that researchers identify as predicting risk of gang formation include minority segregation among the urban underclass. In addition, many of the named gangs, such as the Bloods, Crips, and Latin Kings, fall along racial and ethnic lines.

Efforts to prevent youth gangs are impaired by several factors. First of all, society and law enforcement have struggled to adequately define youth gangs. Second, the line between youth gangs and other groups designated as "gangs" often becomes blurred, leading to the term *gang* being applied to groups that often exclude youth. Third, the youth gang problem is not amenable to simple suppressive law enforcement measures, which may actually reinforce gang cohesion.

The first American gangs comprised youths from European immigrant families. Today, African American and Hispanic/Latina/o gangs are generally more numerous than other racial and ethnic groups. Agencies and researchers involved with addressing the youth gang members often use a multitude of competing, and often conflicting, layers of definitions and strategies when approaching the youth gang problem. Unfortunately, youth gangs do not stand still for researchers, despite many attempts to carefully define and categorize them. Lawmakers, police agencies, and the media often depict gangs as cohesive, structured, and durable despite their ephemeral nature. The more common prevention strategies involve various social service agencies, schools, religious organizations, and, of course, law enforcement. When attempting to identify gang prevention and intervention strategies, several gang researchers such as Irving Spurge and David Curry group these initiatives into four broad categories: community organization, social intervention, providing opportunities, and suppression.

Community Organization to Prevent Gangs

The community organization strategy seeks to enhance, modify, or change relationships among groups within a city in order to better cope with various problems. Community organizational prevention approaches normally refer to

cross-agency initiatives. Some of the goals or activities that can be included in this strategy are graffiti removal and involving parent groups in community activities.

Building social cohesion places gang prevention within the context of a recognized deterioration of the social fabric of inner urban communities. This theoretical development stresses a link between the decline of collective efficacy and an increase in fear of crime, leading to a downward spiral of decay as fewer residents are willing to intervene on behalf of their neighbors or address incivilities and delinquent acts among youth in the community.

Social Intervention to Prevent Gangs

The goal of social intervention is to reduce gang involvement by focusing on changing the youth's value system. Several of the social intervention approaches include crisis intervention, counseling services, and drug use prevention and treatment.

One of the best-known prevention programs aimed at a wide audience of potentially at-risk youth within the schools is the Gang Resistance, Education, and Training (G.R.E.A.T.) program, which was based on the well-established Drug Abuse Resistance Education (D.A.R.E.) program. The G.R.E.A.T. program paralleled the lesson contents of the D.A.R.E. program, substituting gang issues for drug issues. Two of the most prominent and influential gang researchers, Malcolm Klein and Cheryl Maxson, identified the weaknesses revealed in evaluations of the G.R.E.A.T. program, most notably the weak decline in subjects' levels of delinquency and, most critical to the program, levels of gang membership.

Providing Conventional Opportunities to Prevent Gangs

Opportunities provision initiatives focus on job training and education, which specifically target gang youth. The approach addresses institutional structures and the fostering of youth participation in society as a way of preventing involvement in the gang. Opportunities provision strategies include the teaching of job skills and providing youth with academic tutoring.

One example of the opportunities provision approach to gang prevention is the Glen Mills Schools, located on a 756-acre campus in Delaware County, Pennsylvania. The school is America's oldest residential facility for court-referred young men between the ages of 15 and 18. Glen Mills seeks to teach the youth life skills by providing vocational instruction in various trades, including photography, printing, carpentry, and automotive technology. The idea is that, by learning a useful skill, the Glen Mills graduate will have little use for returning to life in the gang and committing further delinquent acts.

Gang Suppression

Suppression describes strictly criminal justice responses to gang prevention efforts. Some of these strategies include the use of saturation patrols by special gang units, the arrest of suspected gang members, imprisonment, and surveillance, as well as legislative sanctions targeting suspected gang members.

The paradoxical view of youth gangs as something to be feared and loathed, while individual youths within it are basically good and in need of protection, also contributes to much confusion among policymakers and so-called gang experts. Gang prevention should begin by eliminating anything that would bring a gang together. Marcus Felson's recent work discusses the importance of reducing gang cohesion, observing that a gang's level of cohesiveness is likely to increase if youth have a physical location conducive to congregating or receive increased attention from the police or media.

Understanding gang dynamics, particularly gang cohesiveness, is critical when formulating any prevention strategy. Cohesiveness tends not to be strong unless reinforced by external sources. Race is one of the characteristics of gang membership that can encourage cohesion, with the majority of gang members being of a particular racial and ethnic minority. Even before World War II, when gangs were predominantly Caucasian, they tended to be members of minority groups, such as the Irish, Italians, or various eastern European nationalities. This sense of belonging to a larger minority group, along with poverty, decay of inner-city neighborhoods, and the dearth of social services, may encourage gang cohesiveness.

Immediate reduction in gang-related activity can be achieved by suppressing places, not people.

A more effective approach in the long-term reduction of gang activity would likely involve addressing the racial, social, and economic exclusion that contribute to the flourishing and cohesion of marginalized youth. Prevention strategies that have any hope for long-term success must be multidimensional, community oriented, and emphasize early intervention during the first years of school. There must also be sufficient financial resources to implement and sustain the strategies over the long term.

The miscellany of gang prevention programs has yielded mixed results. Many prevention initiatives tend to be eclectic, lacking a coherent theory, or viewed by policymakers as a panacea. The outcome is often confusion over many goal priorities, whether the objective is treatment of individual problems, providing access to opportunities, changing values, prevention of delinquency, or fighting the gang. The more recent reliance upon specifically gang-targeted police and prosecutorial programs (suppression) would likely enhance the legitimacy and cohesiveness of the gang.

Jonathan Kramer

See also Delinquency Prevention; Evidence-Based Delinquency Prevention for Minority Youth

Further Readings

Felson, M. (2006). *Crime and nature*. Thousand Oaks, CA: Sage.

Klein, M. (1995). *The American street gang: Its nature, prevalence, and control*. New York: Oxford University Press.

Klein, M. (1995). Street gang cycles. In J. Q. Wilson & J. Petteril (Eds.), *Crime* (pp. 217–236). San Francisco: Institute for Contemporary Studies.

Klein, M., & Maxson, C. (2006). *Street gang patterns and policies*. New York: Oxford University Press.

Sheldon, R., Tracy, S., & Brown, W. (2004). *Youth gangs in American society* (4th ed.). Belmont, CA: Thomson/Wadsworth.

Spurge, I. (1990). Youth gangs: Continuity and change. *Crime and Justice, 12*, 171–275.

Spurge, I., & Curry, G. (1990). Strategies and perceived agency effectiveness in dealing with the youth gang problem. In C. R. Huff (Ed.), *Gangs in America* (2nd ed., pp. 288–309). Newbury Park, CA: Sage.

Sullivan, M. (2005). Maybe we shouldn't study "gangs": Does reification obscure youth violence? *Journal of Contemporary Criminal Justice, 21*, 170–190.

Zero Tolerance Policies

In recent years, increased arrests of minority youth on school property have led juvenile justice policymakers to conclude that specific practices related to federal and state zero tolerance policies have become a significant source of disproportionate minority contact (DMC) and confinement. Originally enacted in the early 1990s to counter the increase in violent tendencies among youth as well as the fear of an increase in firearm-related incidents in schools, zero tolerance policies have become applicable to nearly all rule-breaking behavior that occurs on school grounds. In many cases, children punished in accordance with these policies are deemed by administrators as "stepping out of line." Public school systems throughout the United States utilize zero tolerance policies, which call for severe punishments for all offenses, even transgressions minor in nature. The ideal behind these policies is deterrence from rule-breaking behavior through equal punishment for all offenders. Thus, schools use zero tolerance policies to reiterate an intolerance of rule breaking, no matter the seriousness of the infraction or its implication, perceived or real, for teachers and students. However, this blanket approach to school discipline has not been implemented without severe consequences for educational systems, the juvenile justice system, and students. Since many students subject to the consequences of these policies are of minority status, discussions of zero tolerance policies have been incorporated into the broader realm of the DMC issue.

Disproportionate Minority Confinement and Contact

In the late 1980s, the problem of disproportionate minority confinement in juvenile justice systems throughout the United States was brought to national attention by the Coalition for Juvenile Justice. In the 1988 Amendments to the Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974, Congress required that in order to qualify for federal funding to assist in the development of programming for youth, states must take steps to address DMC. Specifically, each state must assess to what degree DMC exists, as well as develop efforts to reduce the proportion of youth detained or confined in secure juvenile detention facilities, secure juvenile residential correctional facilities, adult jails, and police lockups who are members of minority groups if their representation exceeds the proportion of such groups in the general population. For purposes of this requirement, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) has defined minority populations as African Americans, American Indians, Asians, Pacific Islanders, and Hispanics.

The Juvenile Justice and Delinquency Prevention (JJDP) Act of 2002 modified the DMC requirement of the original 1974 Act as follows: "addressing juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or

quotas, the disproportionate number of juvenile members of minority groups who come into contact with the juvenile justice system." This change broadens the DMC initiative from disproportionate minority "confinement" to disproportionate minority "contact" by requiring the examination of possible disproportionate representation of minority youth at all decision points along the juvenile justice system continuum. The general premise is that racial disproportionality throughout the juvenile justice system is a result of practices that begin with a minority child's first encounter with the police, as disparity tends to be most pronounced at the stages of arrest and referral to court.

All states that continue to receive federal funding for juvenile justice programming are required by OJJDP to identify sources of DMC; furthermore, states must develop multiple intervention strategies, including not only juvenile delinquency prevention efforts, but also juvenile justice system improvement efforts at all decision points to ensure equal treatment of all youth entering the juvenile justice system. For this reason, states have begun to look at non-justice system components of informal social control, such as the school, as potential sources of DMC. Because of this, interest has grown concerning the impact of zero tolerance policies and the contribution that these policies may have on DMC.

Background of Zero Tolerance Policies

Although the use of out-of-school suspension and expulsion took hold in the late 1960s, and the use of in-school suspension increased in the 1970s, zero tolerance policies in public schools are based on an ideology rooted in the strict federal and state drug legislation of the late 1980s. These laws were designed to shape and support policies with a tough stance toward most drug-related behavior, especially the import of illegal drugs into the United States. This zero tolerance approach to law and order quickly spread to other social issues, such as homelessness and teen loitering. With the concern over the "superpredator" juvenile delinquent at the forefront of juvenile justice discourse in the early 1990s, schools began to enact mandatory one-year expulsions followed by referral to authorities for the possession of a firearm, per the 1994 Gun-Free Schools Act. By the late 1990s, 90% of school districts in the United States had implemented zero tolerance policies for firearms and other weapons; furthermore, many school districts had expanded the use of zero tolerance to other infractions, such as violent behavior, drug possession/use, and tobacco possession/use. Currently, school systems will suspend or expel students who engage in minor offenses (i.e., minor assault or threats), and in some cases, students deemed disruptive. The goals of a blanket approach to the breaking of school rules include deterrence from engaging in such behavior, fairness and equity in punishment, and the promotion of an environment intolerant of rule-breaking.

Implementation and Use

Several points of support have been made for the implementation and use of zero tolerance policies, including lax discipline leading to unsafe learning environments (which has been argued as the cause of increased violence in schools in the 1980s and 1990s), the need for security to facilitate a safe and comfortable learning environment for students, and concern for the protection and welfare of school personnel and students as a group—not the specific individuals and their special needs—which can lead to lawsuits if differential punishments are used.

Nevertheless, there are problems surrounding the implementation and use of zero tolerance policies as they exist today. It has been proposed that the policies eradicate positive attitudes and beliefs toward justice and fairness in society, and foster student mistrust and disrespect of school officials and teachers. Furthermore, students are alienated from teachers, and they are less likely to confide in teachers when they feel as if they need assistance. This can be especially important to consider when some youth may not have role models in the home. If a child is suspended and unsupervised in the home, a delinquent peer group may become the predominant influence in his or her life.

Through suspension and expulsion, zero tolerance policies deprive children of an education, which is contrary to the developmental and behavioral needs of children and may place them in unsupervised environments where negative associations with other suspended or expelled students can be fostered. Through these associations and the negative labels placed on children who are suspended or expelled via such policies, children could

be "pushed" into the juvenile justice system, and the adult criminal justice system in some jurisdictions, prematurely. This is especially important to consider when examining sources of DMC in the juvenile justice system, as African American students are suspended and expelled at higher rates nationwide than their white peers; furthermore, African American and Hispanic students are more likely to be disciplined for subjective offenses such as defiance, disrespect, and disruption. Many youth do not return to school once they are expelled. Furthermore, the quality of alternative schooling has been questioned. Currently, there is a lack of data concerning the quality of instruction and services, and only about half of the states require alternative forms of education for expelled students.

It has been argued that the one-size-fits-all approach that many school districts have taken when implementing zero tolerance policies does not account for the variation in adolescent behavior. Arguments have been made that circumstances concerning incidents will vary, and therefore, such circumstances must be considered. Furthermore, the student may or may not have a behavioral history that should be addressed, which zero tolerance policies fail to do. Some school districts have chosen to subject very young children to the policies with little consideration for options that may help them instead of stunt their educational growth.

It has been argued that zero tolerance policies do not address the issues that youth face today, as they are not proactive policies but reactive actions. Furthermore, alternative education often has few resources to help these youth as well, which contributes to the likelihood that these youth will be pushed into the juvenile and criminal justice systems. Youth are labeled as deviant, and the net of youth brought under control of the justice system is widened. Unless the zero tolerance policies utilized by school districts throughout the United States are revised, the juvenile and criminal justice systems will handle the cases that come before them in situations already indicative of minimal resources, overcrowding, and increased DMC.

Recommendations

Several recommendations have been made in light of the unintended consequences of zero tolerance policies on students, particularly minorities, in public schools. Graded sanctions, sometimes referred to as tough-as-necessary policies, have been proposed as an alternative to current zero tolerance policies. With tough-as-necessary policies, circumstances and motivation are taken into account. Another recommendation that has the attention of many juvenile justice administrators is making active efforts to monitor schools through the collection and analysis of data on the demographic characteristics of children impacted by the policies. Compliance reviews and investigations of teachers, school administrators, and school resource officers can be completed so that effective teacher and school resource officer training can be developed and provided. Another recommendation that is commonly mentioned is the establishment of quality programs for alternative schools. Positive and prosocial attitudes that students may develop in regard to teachers, school activities, and society can take shape and minimize the negative impacts of peers and family for specific youth. When effective programs are established, documentation is important, as school districts wanting to develop similar services for expelled youth can look to these established programs for guidance.

Courtney A. Wade

See also Anti–Drug Abuse Acts; Disproportionate Arrests; Disproportionate Incarceration; Disproportionate Minority Contact and Confinement

Further Readings

Office of Juvenile Justice and Delinquency Prevention. (n.d.). *Juvenile Justice and Delinquency Prevention Act of 2002*. Retrieved from http://ojjdp.ncjrs.org/about/ojjdpact2002.html

Scuba, R. J. (2001). When is disproportional discrimination? The overrepresentation of Black students in school suspension. In W. Ayers, B. Dohrn, & R. Ayers (Eds.), *Zero tolerance: Resisting the drive for punishment in our schools* (pp. 176–187). New York: New Press.

Scuba, R. J., & Leone, P. E. (2001). Zero tolerance and school security measures: A failed experiment. In T. Johnson, J. E. Boyden, & W. J. Pitts (Eds.), *Racial profiling and punishment in U S. public schools: How zero tolerance policies and high stakes testing subvert academic excellence and racial equity* (pp. 34–38). Oakland, CA: Applied Research Center.

Scuba, R. J., & Nesting, K. (2002). Zero tolerance, zero evidence: An analysis of school disciplinary practice. In R. J. Scuba & G. G. Noam (Eds.), *Zero tolerance: Can suspension and expulsion keep schools safe?* (New Directions for Youth Development, no. 92, pp. 17–44). San Francisco: Jossey-Bass.

Zoot Suit Riots

Zoot suit riots is the name given to a series of conflicts that occurred in the summer of 1943 in Los Angeles, California, between servicemen and Mexican American youths who wore outfits called zoot suits. The zoot suit consisted of a broad-shouldered drape jacket, balloon-leg trousers, and, sometimes, a flamboyant hat. Mexican and Mexican American youths who wore these outfits were called zoot-suiters. These individuals referred to themselves as *pachucos*, which is a name linked to the Mexican American generation's rebellion against both Mexican and American culture.

Pressures related to U.S. involvement in World War II contributed to the racial tensions that preceded the riots. Workers were needed in the agricultural and service sectors of the United States to fill the jobs vacated by those who were serving in the military. An agreement was reached with Mexico whereby temporary workers from Mexico were brought into the United States. This influx of Mexican workers was not particularly welcomed by the White Americans in the area.

As part of the war efforts, in March 1942, the United States had begun rationing various resources. Restrictions on wool had a direct effect on the manufacture of wool suits and other clothing. There were regulations prohibiting the manufacturing of zoot suits, but a network of bootleg tailors continued to manufacture them. This exacerbated racial tensions, because Mexican American youths wearing the zoot suits were seen as un-American because they were deliberately ignoring the rationing regulations.

The zoot suit riots are commonly associated with the Sleepy Lagoon murder that occurred in August 1942. The Sleepy Lagoon, as it was nicknamed, was one of the larger reservoirs outside the city of Los Angeles, California. On the night of August 1, 1942, two groups of zoot-suiters were involved in a fight near the Sleepy Lagoon. The next morning one of the zoot-suiters was dead. There was a racially based public outcry against the zoot-suiters, fueled by local tabloids. Citing concerns about juvenile delinquency, Governor Cuthbert Olson used the zoot-suiter's death as the impetus for a roundup by the Los Angeles Police Department of more than 600 Mexican American people on two consecutive nights. Several of the zoot-suiters who were arrested were tried and convicted of murder. However, many people saw the trial as a railroading and attacked the verdict as a miscarriage of justice. The convictions of the Mexican American youths were reversed on appeal in October 1944.

However, during the period from 1942 through 1943, the news media continued to portray the zoot-suiters as dangerous gang members who were capable of murder. Based on the news reports, more and more people began to believe that the Mexican American youths, particularly the zoot-suiters, were predisposed to committing crime. Although these youths were engaging in rising gang violence, the news media exaggerated and sensationalized the extent of this problem. It is in this racially charged atmosphere that the conflict between the servicemen and the Mexican American youths began.

Within months of the Sleepy Lagoon convictions, in June 1943, Los Angeles erupted in what is commonly referred to as the Zoot Suit Riots. From May 30, 1943, through June 8, 1943, a series of confrontations occurred between servicemen and Mexican American youths. The so-called riots began when 11 sailors stated they had been attacked by a group of Mexican American zoot-suiters. As a result, a number of uniformed sailors chartered cabs and proceeded to the Mexican American community, seeking out the zoot-suiters. What followed was a series of conflicts between servicemen and zoot-suiters, sometimes including civilians. Both sides reported that their wives and girlfriends were subjected to sexual taunts and assaults from the other side. Servicemen on their way back to base at night were often attacked by the zoot-suiters, who were attempting to teach the servicemen some respect. The zoot-suiters set traps for servicemen and assaulted them in their cars.

Many zoot-suiters were beaten by servicemen and stripped of their zoot suits on the spot. The servicemen sometimes urinated on the zoot suits or burned them in the streets. One local paper actually printed an article describing how to "de-zoot" a zoot-suiter, including directions that the zoot suits should be burned. The servicemen were also portrayed in local news publications as heroes fighting against what was referred to as a Mexican crime wave.

In response to these confrontations, police arrested hundreds of Mexican American youths in what they described as a preventive measure. In fact, there are reports of Mexican American youths requesting to be arrested and locked up in order to protect themselves from the servicemen in the streets. Nine sailors were arrested, but eight were released with no charges being filed. The ninth sailor had to pay a minimal fine. The other military participants were left to the military justice system.

Shortly after midnight on June 7, 1943, military officials declared Los Angeles off-limits to all military personnel. Deciding that the local police were completely unable or unwilling to handle the situation, officials ordered military police to arrest disorderly military personnel. The next day, the Los Angeles City Council passed a resolution that banned the wearing of zoot suits on Los Angeles streets.

After the riots, California Governor Cuthbert Olson ordered the creation of a citizens' committee. The purpose of the committee was to investigate and determine the cause of the zoot suit riots. The committee subsequently issued its report, wherein it determined that racism was a central cause of the riots. Los Angeles Mayor Fletcher Bowron issued his own conclusion about the riots, separately from the governor's committee. Mayor Bowron concluded racial prejudice was not a factor and that the riots were caused by juvenile delinquents and White southerners.

George Coroian

See also Los Angeles Race Riot of 1965; Los Angeles Race Riots of 1992; Race Relations; Race Riots

Further Readings

American experience: The zoot suit riots. (2001). [Documentary Film]. Retrieved from http://www.pbs.org/wgbh/amex/zoot

Mazón, M. (1988). *The zoot-suit riots: The psychology of symbolic annihilation*. Austin: University of Texas Press.

Appendix A

Locating and Interpreting Statistical Data on Race and Crime

Most federal statistics include at least five racial categories: American Indians/Alaska Natives, Asians/Pacific Islanders, Blacks, Hispanics, and Whites. A category for other is also available. The 2000 U.S. Census of the Population implemented several changes in racial and ethnic categories that took into consideration intraracial and intraethnic heterogeneity (Gabbidon & Greene, 2009). Now, more than 60 combinations of racial categories are available to respondents, and the Hispanic or Latino category has been revised to permit classification of Mexican, Puerto Rican, Cuban, and other Hispanic or Latino persons. The U.S. Census Bureau makes population estimates available for the world, the United States, and individual states, cities, and towns. This information can be accessed on its website: www.census.gov.

Unlike census data, there is considerable variation in the availability of data on racial and ethnic categories in federal crime, justice, and victimization statistics. Most crime-related data do not capture the cultural differences within racial categories and how this might impact involvement in crime, decision making by justice professionals, and within-group victimizations. Another problem in the collection of data is that there may be inaccuracies in the identifications of racial categories made by police and other justice officials. Another important issue is the time lapse between when data are collected and when they are available. Some data are available annually while other data sets only appear periodically. While limitations persist, there is a considerable amount of information available about race and ethnicity in federal (and state) crime statistics.

Most crime-related data is collected under the auspices of the U.S. Department of Justice. Since the 1930s, the Federal Bureau of Investigation (FBI) has conducted the Uniform Crime Reporting (UCR) Program and publishes an annual report, *Crime in the United States*. The FBI is also responsible for the Hate Crime Statistics Program and the National Incident-Based Reporting Program. The Bureau of Justice Statistics provides valuable information on crime, justice, and victimization data on the Web. The data are readily available and helpful in analyzing racial/ethnic categories within compilations on the death penalty, juvenile delinquency and juvenile justice, probation/parole/incarceration, and victimization. The Bureau of Justice Statistics also publishes special reports related to race and crime that are available at the National Criminal Justice Reference Service website (www.ncjrs.gov). Another useful source of information on crime-related research is the National Archive of Criminal Justice Data (www.icpsr.umich.edu/NACJD/index.html).

The two primary statistical programs designed to measure the magnitude, nature, and impact of crime in the United States are the UCR Program and the National Crime Victimization Survey (NCVS), which are described in the next section.

UCR Program and the NCVS Data

The UCR Program and the NCVS produce valuable information about aspects of the nation's crime problem. Because the UCR and NCVS programs are conducted for different purposes, use different methods, and focus on somewhat different aspects of crime, the information they produce together provides a more comprehensive panorama of the criminal justice system than either could produce alone.

Uniform Crime Reporting Program

The UCR Program, administered by the Federal Bureau of Investigation (FBI), began in 1929 and collects information on the following crimes reported to law enforcement authorities: murder and nonnegligent manslaughter, forcible rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft, and arson. Law enforcement agencies report arrest data for 21 additional crime categories.

The UCR Program compiles data from monthly law enforcement reports or individual crime incident records transmitted directly to the FBI or to centralized state agencies that then report to the FBI. The program thoroughly examines each report it receives for reasonableness, accuracy, and deviations that may indicate errors. Large variations in crime levels may indicate modified records procedures, incomplete reporting, or changes in a jurisdiction's boundaries. To identify any unusual fluctuations in an agency's crime counts, the program compares monthly reports to previous submissions of the agency and with those for similar agencies.

In 2007, law enforcement agencies active in the UCR Program represented more than 285 million U.S. inhabitants—94.6% of the total population. The UCR Program presents crime counts for the nation as a whole, as well as for regions, states, counties, cities, towns, tribal law enforcement, and colleges and universities. This permits studies among neighboring jurisdictions and among those with similar populations and other common characteristics.

The FBI annually publishes its findings in a preliminary release in the spring of the following calendar year, followed by a detailed annual report, *Crime in the United States,* issued in the fall. In addition to crime counts and trends, this report includes data on crimes cleared, persons arrested (age, sex, and race), law enforcement personnel (including the number of sworn officers killed or assaulted), and the characteristics of homicides (including age, sex, and race of victims and offenders; victim–offender relationships; weapons used; and circumstances surrounding the homicides). Other periodic reports are also available from the UCR Program.

The state and local law enforcement agencies participating in the UCR Program are continually converting to the more comprehensive and detailed National Incident-Based Reporting System (NIBRS). The NIBRS provides detailed information about each criminal incident in 22 broad categories of offenses.

National Crime Victimization Survey

The Bureau of Justice Statistics' (BJS) National Crime Victimization Survey (NCVS), which began in 1973, provides a detailed picture of crime incidents, victims, and trends. After a substantial period of research, the BJS completed an intensive methodological redesign of the survey in 1993. The BJS conducted the redesign to improve the questions used to uncover crime, update the survey methods, and broaden the scope of crimes measured. The redesigned survey collects detailed information on the frequency and nature of the crimes of rape, sexual assault, personal robbery, aggravated and simple assault, household burglary, theft, and motor vehicle theft. It does not measure homicide or commercial crimes (such as burglaries of stores).

Two times a year, the U.S. Census Bureau personnel interview household members in a nationally representative sample of approximately 43,000 households (about 76,000 people). Approximately 150,000 interviews of persons age 12 or older are conducted annually. Households stay in the sample for 3 years. New households rotate into the sample on an ongoing basis.

The NCVS collects information on crimes suffered by individuals and households, whether or not those crimes were reported to law enforcement. It estimates the proportion of each crime type reported to law enforcement, and it summarizes

the reasons that victims give for reporting or not reporting.

The survey provides information about victims (age, sex, race, ethnicity, marital status, income, and educational level), offenders (sex, race, approximate age, and victim–offender relationship), and the crimes (time and place of occurrence, use of weapons, nature of injury, and economic consequences). Questions also cover the experiences of victims with the criminal justice system, self-protective measures used by victims, and possible substance abuse by offenders. Supplements are added periodically to the survey to obtain detailed information on topics like school crime.

The BJS published the first data from the redesigned NCVS in a BJS bulletin in June 1995. BJS publication of NCVS data includes *Criminal Victimization in the United States,* an annual report that covers the broad range of detailed information collected by the NCVS. The BJS publishes detailed reports on topics such as crime against women, urban crime, and gun use in crime. The National Archive of Criminal Justice Data at the University of Michigan archives the NCVS data files to enable researchers to perform independent analyses.

Comparing the UCR Program and the NCVS

Because the BJS designed the NCVS to complement the UCR Program, the two programs share many similarities. As much as their different collection methods permit, the two measure the same subset of serious crimes, defined alike. Both programs cover rape, robbery, aggravated assault, burglary, theft, and motor vehicle theft. Rape, robbery, theft, and motor vehicle theft are defined virtually identically by both the UCR Program and the NCVS. (Although rape is defined analogously, the UCR Program measures crime against women only, and the NCVS measures it against both sexes.)

There are also significant differences between the two programs. First, the two programs were created to serve different purposes. The UCR Program's primary objective is to provide a reliable set of criminal justice statistics for law enforcement administration, operation, and management. The BJS established the NCVS to provide previously unavailable information about crime (including crime not reported to police), victims, and offenders.

Second, the two programs measure an overlapping but nonidentical set of crimes. The NCVS includes crimes both reported and not reported to law enforcement. The NCVS excludes, but the UCR Program includes, homicide, arson, commercial crimes, and crimes against children under age 12. The UCR Program captures crimes reported to law enforcement but collects only arrest data for simple assaults and sexual assaults other than forcible rape.

Third, because of methodology, the NCVS and UCR Program definitions of some crimes differ. For example, the UCR Program defines burglary as the unlawful entry or attempted entry of a structure to commit a felony or theft. The NCVS, not wanting to ask victims to ascertain offender motives, defines burglary as the entry or attempted entry of a residence by a person who had no right to be there.

Fourth, for property crimes (burglary, theft, and motor vehicle theft), the two programs calculate crime rates using different bases. The UCR Program rates for these crimes are per capita (number of crimes per 100,000 persons), whereas the NCVS rates for these crimes are per household (number of crimes per 1,000 households). Because the number of households may not grow at the same rate each year as the total population, trend data for rates of property crimes measured by the two programs may not be comparable.

Each program has unique strengths. The UCR Program provides a measure of the number of persons arrested and crimes reported to law enforcement agencies throughout the country. The UCR's Program Supplementary Homicide Reports provide the most reliable, timely data on the extent and nature of homicides in the nation. The NCVS is the primary source of information on the characteristics of criminal victimization and on the number and types of crimes not reported to law enforcement authorities. It is possible to use the UCR Program and NCVS to achieve a greater understanding of crime trends and the nature of crime in the United States. For example, changes in police procedures, shifting attitudes toward crime and police, and other societal changes can affect the extent to which people report and law enforcement agencies record crime. NCVS and UCR Program data can be used in concert to explore why trends in reported and police recorded crime may differ.

Further Readings

Gabbidon, S., & Greene, H. G. (2009). *Race and crime* (2nd ed.). Thousand Oaks, CA: Sage.

U.S. Department of Justice, Federal Bureau of Investigation. (2005). *Crime in the United States, 2004*. Retrieved November 26, 2008, from http://www.fbi.gov/ucr/cius_04/appendices/appendix_04.html

Appendix B

Statistics and Race and Crime: Accessing Data Online

Instructions on accessing statistical data from both governmental and nongovernmental sources on the Web are presented here to enable readers to access the most recent information related to selected topics on race and crime, including arrests, contacts between the police and the public, the death penalty, drugs and crime, gang membership, hate crimes, homicide trends in the United States, juvenile justice, racial profiling, and victimization.

Arrests

Option 1

The best source of information on race and arrests in the United States is the U.S. Department of Justice, Federal Bureau of Investigation.

- Step 1
  Go to the website for United States Department of Justice, Federal Bureau of Investigation: http://www.fbi.gov
- Step 2
  On the left-hand column click on the link labeled **Reports and Publications**.
- Step 3
  On this new page, scroll down to **On Statistics** and click on **Crime in the United States**.
- Step 4
  On the **Uniform Crime Reports** page, scroll down to **Crime in the United States** and click on the year for which you want information. If there is a pop-up, click on **Continue to Crime in the United States (year)**.
- Step 5
  Then, find **Persons Arrested** and click on **Go To Arrest Tables**.
- Step 6
  Click on **Table 43** for data on total arrests and arrests for specific offenses by race for adults and juveniles.

Option 2

FBI arrest data can also be accessed via the Bureau of Justice Statistics:

- Step 1
  Go to the website for United States Department of Justice, Bureau of Justice Statistics: http://www.ojp.usdoj.gov/bjs
- Step 2
  On the right-hand column under the heading labeled **Data from other sources**, find and click on the link labeled **FBI's Uniform Crime Reports**.
- Step 3
  On this new page, under **Crime in the United States**, click on the appropriate year. If there is a pop-up, click on **Continue to Crime in the United States (year)**.
- Step 4
  Then, find and click on the heading labeled **Persons Arrested**, in the middle of the page.

- Step 5

  Scroll down and find the heading labeled **Expanded arrest data**. Under this heading, you will find tables for data by race.

Contacts Between Police and the Public

A good source of information on race and contact with the police, including traffic stops, is the United States Department of Justice, Bureau of Justice Statistics.

- Step 1

  Go to the website for United States Department of Justice, Bureau of Justice Statistics: http://www.ojp.usdoj.gov/bjs/welcome.html

- Step 2

  Under the heading **Law enforcement** click on **state and local**.

- Step 3

  On this new page, under the listing of **BJS Publications**, scroll down until you locate **Contacts Between the Police and the Public, 2005**, and **Characteristics of Drivers Stopped by the Police, 2002**, or the most recent report available on these topics.

- Step 4

  When you click on a link to one of these links to findings on police and public contact for a specific year, you will be able to open an Adobe Acrobat file (PDF) providing statistics on various characteristics (including race) of those who have been stopped by the police in their vehicle or had contact with the police under other circumstances.

Death Penalty

Option 1

- Step 1

  Go to the Death Penalty Information Center (DPIC) website: http://www.deathpenaltyinfo.org

- Step 2

  On the left-hand side of the page, find the heading **Issues**.

- Step 3

  Under **Issues** find and click on **Race**.

  After clicking **Race** you will find multiple links to issues related to race and the death penalty. Click on them to find charts and statistics.

Option 2

- Step 1

  Go to the website for United States Department of Justice, Bureau of Justice Statistics: http://www.ojp.usdoj.gov/bjs

- Step 2

  In the **Statistics About** box, find the heading **Corrections**

- Step 3

  Under the heading **Corrections**, find and click on the link labeled **Capital Punishment**.

Drugs and Crime

The Bureau of Justice Statistics has a large amount of information on drugs and crime.

Option 1

Locate **Table 43** using the procedure described in Option 1 for Arrests. This table contains data on arrests for drug abuse violations by race.

Option 2

For information on drugs and prisoners:

- Step 1

  Go to the website for United States Department of Justice, Bureau of Justice Statistics: http://www.ojp.usdoj.gov/bjs

- Step 2

  In the **Statistics About** box, find the heading **Corrections**.

- Step 3

  Under the heading **Corrections**, find and click on the link labeled **Prisons**.

- Step 4

  On this new page, under **BJS Publications**, scroll down to **Drug Use and Dependence, State and Federal Prisoners, 2004**.

- Step 5

  Click on the Acrobat file. This document contains data on drug use and dependence by race.

Option 3: Sentencing for Federal Drug Offenses

Following the U.S. Supreme Court's decision in *U.S. v. Booker,* 543 U.S. 160 (2005), judges were given greater latitude in sentencing for drug offenses. The U.S. Sentencing Commission provides data on the length of sentences that have been imposed in federal court for such offenses since the 2005 ruling.

- Step 1

  Go to the Sentencing Commission website: http://www.ussc.gov/linktojp.htm

- Step 2

  Click on **Data on Retroactive Application of Crack Cocaine Amendment** and go to Table 5.

Gang Membership

- Step 1

  Go to the website for Institute for Intergovernmental Research: http://www.iir.com

- Step 2

  Near the top of the page, find and scroll the mouse over the square labeled **Gangs**. You will find that three additional links drop down. Find and click on the drop-down link labeled **National Youth Gang Center**.

- Step 3

  On the right-hand column under the heading **Publications** find and click on the link labeled **National Youth Gang Survey Analysis**.

- Step 4

  Scroll down toward the bottom of this new page and find and click on the heading labeled **Demographics**.

- Step 5

  Toward the bottom of this new page, you will find charts for Race/Ethnicity of Gang Members and Race/Ethnicity of Gang Members by Area Type.

Hate Crimes

Option 1

- Step 1

  Go to the website for the Federal Bureau of Investigation: http://www.fbi.gov

- Step 2

  On the left-hand column find and click on **Reports & Publications**.

- Step 3

  Scroll all the way down to the bottom and under the heading **On Statistics**, find and click on **Uniform Crime Reports: Hate Crime Statistics,** then click on a specific year. On the next screen, you will find data on incidents and offenses, victims, offenders, and location type (where the offense occurred).

Option 2

- Step 1

  Go to the website for the Southern Poverty Law Center: http://www.splcenter.org

- Step 2

  On the left-hand column find and click on **Hate Incidents**.

- Step 3

  Click on the state of interest.

Homicide Trends in the United States

- Step 1

  Go to the website for United States Department of Justice, Bureau of Justice Statistics: http://www.ojp.usdoj.gov/bjs

- Step 2

  In the **Statistics About** box, find and click on the heading **Special Topics**.

- Step 3

  Under **Special Topics** find and click on the link labeled **Homicide Trends**.

- Step 4

  On the right side of the page you will see **Contents**. Find and click on the subheading

labeled **Race** (which is under the heading **Demographic trends by**).

Juvenile Justice

- Step 1

  Go to the website for the Office of Juvenile Justice and Delinquency Prevention: http://www.ojjdp.ncjrs.org

- Step 2

  In the left-hand column, find and click on the link for **Statistics**.

- Step 3

  In the left-hand column find and click on the link for **Juvenile Population Characteristics**.

- Step 4

  Under the heading **Juvenile Population Characteristics** on this new page, find and click on the link labeled **Related FAQs**.

- Step 5

  Under the heading **Juvenile Population**, find the subheading **Within States, how do juvenile populations vary by race?** and click on the link labeled **Answer**.

Prison Populations

Option 1

- Step 1

  Go to the website for United States Department of Justice, Bureau of Justice Statistics: http://www.ojp.usdoj.gov/bjs

- Step 2

  In the **Statistics About** box, find the heading **Corrections**.

- Step 3

  Under the heading **Corrections**, find and click on the link labeled **Prisons**.

- Step 4

  For the most recent data on prison inmates, scroll down to **Prison Inmates at Midyear 2007** or the most recent report available.

  Scroll down and click on **Acrobat File**.

  See **Tables 9, 10,** and **11** for data by race/ethnicity.

Option 2

- Step 1

  Go to the website for the Sentencing Project: http://www.sentencingproject.org

- Step 2

  Click on **Statistics by State** and then put your cursor over the state for which you want information (but don't click on the state). Data on rates of incarceration and felony disenfranchisement will appear to the right of the map.

Racial Profiling

- Step 1

  Go to the website for Ethnic Majority: http://www.ethnicmajority.com

- Step 2

  In the middle of the page, find and click on the square link for **Civil Rights**.

- Step 3

  On the right-hand column under the heading **Topics**, find and click on the link labeled **Racial Profiling**.

  On the right-hand column of this new page, you will find multiple links to information on racial profiling.

Victimization

Option 1

- Step 1

  Go to the website for U.S. Department of Justice, Bureau of Justice Statistics: http://www.ojp.usdoj.gov/bjs

- Step 2

  In the **Statistics About** box, find the heading **Crime & Victims** and click on it.

- Step 3

  Under the heading **Pages with additional information, statistics, and publications about,** find **Criminal Victimization** and click on it. Here you will find **Summary findings** for the most recent year available.

Option 2

To find tables on criminal victimization in the United States along with tables for other years:

- Step 1

  Go to the website for U.S. Department of Justice, Bureau of Justice Statistics: http://www.ojp.usdoj.gov/bjs

- Step 2

  In the **Statistics About** box, find the heading **Crime & Victims** and click on it.

- Step 3

  On the new page, scroll all the way to the bottom of the screen to find the heading **Selected Statistics.** Under this head, find and click on **Criminal Victimization in the United States—Statistical Tables.**

  Under the heading **Download** you are given 3 options to view statistics (or you can just scroll down through the page):

  One table at a time

  Complete set of tables

  Sections of tables

  Find the year for which you want to see statistics and click on the **Acrobat file** link to view.

Index

Entry titles and their page numbers are in bold; illustrative material is identified by (figure) and (table).