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The situation of young African American men in the United States is one of crisis. They suffer unemployment rates about double those of white men, in good economic times and bad, and are far more likely to be involved with the criminal justice system. Often they are perceived to be violent and sociopathic. Law and order advocates are satisfied to lock them up and throw away the key without questioning the fairness of the system. The consequences for these men, their families and communities are deeply disturbing.

The book chapter summarized here exposes the pervasive racial bias that threatens an entire generation of young men. The author draws on an extensive review of social science literature as well as his own experience as an administrator of and high level advisor to state and local corrections systems.

HISTORICAL PERSPECTIVE

"While those who are confined in a country's jails or prisons are a rough measure of the types of criminal activity at a given time, they provide a sharper picture of who is at the bottom of the socioeconomic heap or on the political outs at that given time." [48] In the late 19th and early 20th centuries prison populations reflected the waves of immigration from European countries. One study of Chicago's ethnic neighborhoods reported that 28% of 17 to 21 year old men in the Back of the Yards neighborhood were arrested for serious crimes between 1924 and 1926. The researcher blamed this high rate of criminal involvement on the social disorganization and moral confusion resulting from the rapidly shifting ethnic composition of the neighborhood.

As white ethnic groups assimilated to U.S. society, crime rates dropped. For African Americans, however, assimilation proved elusive. They remained on the bottom rung of the economic ladder. A 1918 Census Bureau report on the history and status of blacks noted that blacks were 11% of the general population but 22% of the population of correctional institutions. The report went on to ask whether this was due to greater "criminality" among blacks or the result of discriminatory treatment. The report failed to mention the brutal history of lynching of black men with the support of white citizens and law enforcement officials. For decades black men were subjected to a reign of terror. Lynchings were often attended by huge crowds in a spectacle meant to intimidate and torment as well as punish. "Castration, lynching, and other vigilante-type actions were characteristically reserved for citizens of color and provided the backdrop and collective memory against which the formal criminal justice system functioned when it came to blacks." [53]

Progress in civil rights since the 1960s has been undermined by surging rates of imprisonment, particularly during the federal government's war on drugs. By 1993 55% of admissions to state and federal prisons were black, although blacks were still only about 13% of the total population. "In 1991...the national incarceration rate in state and federal prisons was 310 per 100,000. For white males it was 352 per 100,000. For black males ages 25-29 it stood at an incredible 6,301." [54]

RACIAL BIAS RESEARCH

Through the 1970s criminologists generally accepted that racial bias was present in the criminal justice system. In the 1980s and 1990s "a sea change in the national mood as well as in the methodologies that came to characterize American criminological research" [56] was accompanied by a shift in the tone of research. A number of researchers reached the conclusion that more blacks were in prisons simply because they committed most of the crimes. Some revived genetic explanations for criminal behavior.

Criminal justice records are problematic as data because they reflect the results of a series of actions and decisions on the part of the alleged criminal, attorneys, judges, police, probation and correctional officers. Yet the record is devoid of the personal histories, attitudes and motivations which influence choices and behaviors at each step in the process. Another problem with analysis of criminal justice records occurs when stages of the process are taken in isolation. For example, one influential study found that the demographics of arrest for serious crimes corresponded well with commission of these crimes. However, a related study noted that over the period 1976 to 1992 arrest rates violent crimes were relatively stable: in the range of 50-54% were whites; 44-47% were blacks. The black share of serious crime arrests was nearly 3% lower in 1992 than in 1976, but the black share of admissions to federal and state prisons increased from 35% to 55% from the 1970s to the 1990s.

Other studies present conflicting results with a number of researchers claiming to find no bias. However, 98% of judges and court managers surveyed by the New Jersey State Supreme Court perceived racial bias in the courts. One study of imprisonment by race in 1982 found that only two-thirds of black imprisonment nationwide could be explained by the arrests of blacks for serious crimes; moreover, this proportion varied widely from state to state. Often black men are disadvantaged when their cases fall into gray areas where judges and attorneys exercise discretion over the specification of charges and determination of sentences.

Ironically, some measures designed to remove sentencing discretion from individual judges, such as habitual offender or mandatory sentencing laws, simply displaced the source of bias. Although judges' hands were now tied, prosecutors were more apt to charge blacks than whites with crimes associated with lengthy legislated sentences.

RACIAL BIAS AFFECTING JUVENILES

Young black people are most likely to face racial biases in early and late stages of the criminal justice process. "Black teenagers were more likely to be detained, to be handled formally, to be

waived to adult court, and to be adjudicated delinquent. If removed from their homes by the court, they were less likely to be placed in the better-staffed and better-run private-group home facilities and more likely to be sent into state reform schools." [72] In the middle phases of the process, black youth were more likely to have charges dismissed, but this may simply reflect the fact that they were excessively charged in the first place. A sample of 11-17 years olds from the National Youth Survey was chosen for in-depth confidential interviews about their involvement in criminal activity. Their self reports were checked against actual police records and found to be relatively accurate, often revealing more delinquent acts than official records showed. Few differences were found in rates of criminal activity along racial lines, but blacks were more likely to be apprehended than whites for similar behavior. Furthermore, blacks were apt to be charged with more serious crimes for comparable activity.

Arrest rates for serious crimes remained stable among white and black youths from 1978 to 1989. Whites accounted for 67% of arrests, but minorities were 60% of institutionalized youth. The involvement of black youth with the criminal justice system is entangled with stereotypes which label them as criminal and sociopathic. White youths, particularly middle class youths, are more apt to be considered troubled and channeled into private psychiatric clinics and substance-abuse programs.

In the war on drugs, disparities in the treatment of white and black young people are clearly evident. In 1992 the U.S. Public Health service estimated 76% of drug users were white, 14% black and 8% Hispanic. Yet African-Americans and Hispanics made up the bulk of those being arrested, convicted, and sentenced to prison for drug offenses. Possession of crack cocaine, used primarily by minorities, was penalized far more severely than possession of powder cocaine, used primarily by whites. Such discrepancies pervaded the anti-drug campaign. Whites were far more likely to be sent to drug treatment program; blacks were more likely to be sent to prison. In California 70% of drug-related sentences went to blacks, while whites got two thirds of the treatment slots. By 1990 in Baltimore, young black people were arrested at 100 times the rate for whites on drug charges.

Unfortunately, prospects for young black men appear bleak. Racism is deeply embedded in the criminal justice system. Some individuals in positions of power are overtly racist, others quietly so, many others are indifferent.