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⊟ Abstract and Keywords

Crime control and race relations have played central roles in the unfolding of partisan politics in the United States over the last half-century. A variety of major features of modern politics, from the fall of liberalism and the conservative ascendancy to modern public opinion toward racial policies, cannot be understood without attending to the intersection of race and criminal justice.

Keywords: racial politics, crime, law and order, punishment, racial appeals

During the 2008 presidential contest, the Freedom Defense Fund aired a political advertisement against Barack Obama that highlighted his connection to former Detroit Mayor Kwame Kilpatrick. Viewers would first see several frames of Obama pictured next to Kilpatrick and hear a recording of him strongly commending the ex-mayor. Next, viewers would see a criminal mugshot of Kilpatrick in the Wayne County Jail as a long list of his offenses scrolled up the screen: perjury, obstruction of justice, misconduct in office. Then viewers were instructed that they should "know who Barack Obama's friends are."

The ad, which ran only in a predominantly white and working-class county near Detroit, Michigan, made no explicit mention of race. However, it garnered public attention for its "racial overtones." Criticizing the ad, Michigan's Governor, democrat Jennifer Granholm, argued: "The fact that it is being run in a predominantly white suburb tells you that there is an explicit effort to try to divide people by race." Similarly, Ed Bruly, chairman of the county's local Democratic Party, called the ad "race-oriented" and said that although "some people will be affected by it, others will see it for what it is" (Rutenberg 2008). This was not the first time that Americans would be treated to a mugshot of a black man in order to drum up opposition to a liberal candidate. Rather, the negative ad continued an enduring tradition in American politics of racialized crime appeals to the mass electorate.

In this essay, we review the historic and contemporary role of race in debates about punishment, documenting how the nation's wars on crime and drugs both reflected and promoted racial discourse. Our emphasis is on the interconnected nature of race, crime, and American politics over the past half century. The primary conclusions we draw from the body of existing literature are the following:

- Discussions of race and crime have powerfully affected electoral and party politics in America in the modern period.

- Understanding the confluence of race and crime politics also tells us much about the distinctive trajectory of criminal justice and punishment in America.

- Scholars disagree about the relative importance of race and have had little to say about whether and how it plays a role in contemporary debates over punishment.

The remainder of this essay is structured as follows. In section I, we begin by canvassing the political science and historical literature on the role of racialized crime discourse in shaping both party politics and policy outcomes in the civil rights era. We then examine the role of race and criminal justice in shaping politics over the subsequent decades, focusing on the role of crime rhetoric in shaping partisan dynamics. Our attention in section II turns to the centrality of race and crime in public preferences and attitudes and in media depictions. Finally, in section III, we discuss scholarly theories (and disagreements) about whether Americans' drive toward punitiveness is motivated by racial concerns. We conclude with a brief discussion of the state of the literature, pointing to remaining questions and directions for future research.

I. Race and Crime in American Party Politics

Among scholars of modern party politics, debates over race and crime have long been considered central to modern political debates and partisan shifts. Indeed, these issues figured critically in the triumphant return of conservatism. Writing far afield of criminal justice and without a central stake in the politics of punishment, scholars whose key interest was in understanding the electoral realignments of the 1960s saw "Law and Order" and the southern strategy as a critical turning point in the story of how whites abandoned the Democratic Party. Specifically, they note the political capital that crime issues made available to elites to employ strategically in reshaping the issue agenda, the use of it implicitly to play on racial fears, and its linking with civil rights as a way to mount an attack on liberalism. The story is similar across accounts: civil rights, crime, and race were melded during the early part of the 1960s. Crime was rising apace, several "long, hot summers" of riots had left cities smoldering, student antiwar protests became violent, and the struggle for equality by blacks was increasingly viewed by the public as going "too far." The racial unrest and crime increase of the 1960s mobilized a campaign by conservative political elites to strategically link race with crime and argue for "law and order" and an end to "crime in the streets" (Beckett 1997; Murakawa 2005, 2008; Western 2006; Alexander 2010; Lopez 2010). As parties scholar James Sundquist notes, "these three issues—racial strife, Vietnam, and crime and lawlessness—were intertwined, through the rest of the decade" (Sundquist 1983, pp. 376–77). The

trifecta "cut across the existing partisan alignment" and formed a new axis of ideology that was distinct from economics. Concerns over crime were high in almost every public opinion poll, but not a few scholars pointed out that fear of crime during this decade represented more than that alone, encompassing also a growing "fear of disorder, fear of riots, and fear of blacks" (Cronin, Cronin, and Milakovich 1981, p. 12).

A. The Rise of Law and Order and Decline of Liberalism

Political elites from both the Republican Party and the southern wing of the Democratic Party drew connections between the racial conflagrations occurring across the country, the civil rights demonstrations, and the rise in crime rates described in the Federal Bureau of Investigation (FBI) Uniform Crime Reports. In this, they saw a perfect set of conditions to rally an increasingly anxious set of white voters, some of whom had been previously supportive of expanding civil rights to black Americans. Although Barry Goldwater's 1964 presidential campaign first deployed the message that crime was a critical political problem ("tonight there is violence in our streets"), the message quickly became a staple of conservative rhetoric (Rosch 1985, p. 20). Lawlessness became a central campaign theme in 1966, with Gerald Ford, then republican leader in the House (among others) decrying that:

> The War at home—the war against crime—is being lost…. The homes and the streets of America are no longer safe for our people. This is a frightful situation …the Republicans in Congress *demand* that this Administration take the action required to protect our people in their homes, on the streets, at their jobs. There can be no further administration excuse for indecision, delay, or evasion. When a Rap Brown and a Stokely Carmichael are allowed to run loose, to threaten law-abiding Americans with injury and death, it's time to slam the door on them and any like them—and slam it hard! (Sundquist 1983, p. 385)

On the strong message that civil rights demonstrations "had undermined respect for the law and fostered criminal behavior" (Flamm 2007, p. 21), Republicans picked up 47 seats in the House, three in the Senate, and eight gubernatorial seats (Flamm 2007). By 1968, George Wallace and Richard Nixon made even greater use of this strategic appeal to white voters by creating a strong connection among riots, civil rights, and ordinary street crime. They blamed crime and violence on liberal court decisions that "handcuffed the police," racial agitators stirring up violence, and political leaders who cared more for giving blacks civil rights than protecting the "silent majority;" Nixon famously quipped that the first civil right was the right to be free from violence. This "law and order" strategy was a brilliant political maneuver, as it allowed politicians to implicitly appeal to racial concerns without directly calling up discredited norms of racial dominance. As Tali Mendelberg notes, "[Nixon] wanted to appeal to racial stereotypes, fears, and resentments, yet conform to the norm of racial equality" (2001, p. 97). Scholars writing at the time noted that "for many, the call to restore law and order was only a publicly acceptable way of expressing racist attitudes. But increasingly the civil rights movement, and later the war on poverty, would be made a scapegoat for the much-publicized rise in crime and violence" (Cronin, Cronin, and Milakovich 1981, p. 15).

Historians looking back at this moment in American political life also saw the focus on crime, dissent, and law and order as a reaction to the popular liberal civil rights agenda. As historian Michael Flamm notes in his treatment of law and order, "for conservatives, black crime would become the means by which to mount a flank attack on the civil rights movement when it was too popular to assault directly" (2007, p. 22). Similarly, in her book, *Race and the Making of American Liberalism*, Carol Horton describes how liberalism was linked with lawlessness and argues that crime was the solution that enabled conservatives to "develop a coherent position on race that would prove capable of successfully navigating the complex waters of white reaction, conservative principles, and discredited Jim Crowism" (2005, p. 200). Crime and disorder were "the linchpin of the backlash to civil rights in America" (2005, pp. 390–91).

The dominant theme in these accounts is that crime, race, and law and order were decisive issues that explained the victory of the GOP and the demise of New Deal and Great Society liberalism in American politics. Thomas and Mary Edsall argued that the liberal consensus and Democratic coalition was eroded by the "chain reaction" that occurred as a result of four "highly charged issues colliding," including race and crime (Edsall and Edsall 1992). Michael Flamm, in his detailed treatment of law and order, documents how the issue "divided liberals and united conservatives" (Flamm 2007, p. 80). Liberals failed to come up with a compelling alternative to law and order and, as a result, "conservatives took decisive control of the issue in 1966, incorporating street crime, urban riots, and student protests into a comprehensive critique of liberalism's failure to contain the crisis of authority that seemed pervasive in America" (Flamm 2007, p. 67). While Democrats countered these appeals with calls for civil rights legislation that would restore social order and lessen the violence, argued that the obsession with crime and disorder was a strategic distraction from the issue of civil rights, and maintained that the nation should deal with crime by addressing its structural "root causes" (Cronin, Cronin, and Milakovich 1981), their message was repudiated by the electorate in the next several election cycles. Democrats went on to lose all but one presidential election from 1968 to 1988, and their strength in Congress was likewise diminished (Sundquist 1983). Amid the widespread backlash to civil rights, the Democratic coalition was weakened and the mood of the country swung decisively to the Right, giving Republicans a lasting advantage for years to come.

The adjoining of the issues of racial unrest, crime, and civil rights by strategic vote-seeking politicians faded somewhat in the 1970s as riot-torn cities cooled and as civil rights battles were no longer as pitched. Responding to public sentiment, the Democratic Party carefully distanced itself from the race and crime issue and soon converged with its counterparts on the Right in how "tough" they were on crime issues. As Sundquist describes: "Democratic candidates in 1970 wore flags in their buttonholes, had their pictures taken inspecting police stations and shaking hands with the men in uniform …and advocated various legislative measures to aid the fight on crime" (Sundquist 1983, p. 390). As we describe in the next section, however, the strategic connection between blacks and crime in appealing to white voters remained a durable feature of modern campaigns.

B. Race, Crime, and Party Politics in the 1980s and 1990s

In the previous section, we provided a broad overview of the historical trajectory of a racialized politics of crime control and the consequences of the race–crime connection for American politics in the mid-20th century. Much of this work focuses on the decline of liberalism and the strategic use of white prejudice by political elites in the wake of civil rights. Far less theorizing has attempted to locate the role of race in shaping the politics of crime in the subsequent period. However, it is clear that what followed in the wake of this strident period of partisan negotiation over crime control was, as David Holian describes, the "Democratic Party's 20-year struggle to contest Republican dominance on the crime-fighting issue" (Holian 2004, p. 95). Republicans, who had staked their claim in the 1960s on the punitive crime control position, garnered "ownership" of the crime control issue for the

ensuing decades. "Through the Nixon, Reagan, and Bush administrations, Republicans talking crime were credible. For years, the Republican advantage on crime was synonymous with punishing the perpetrators" (p. 96). As such, Republican candidates were able to emphasize their conservative credentials and distinguish themselves from more liberal challengers by campaigning on a platform that advocated increasingly severe law and order policies (Ansolabehere and Iyengar 1994).

Why did liberals have so much difficulty gaining traction on the issue of crime? Clearly, no single answer will suffice. However, Susan Estrich, who served as Michael Dukakis's campaign manager in his 1988 bid for the presidency, argues that the party's historical positions with respect to civil rights played a pivotal role. In her view, Democrats found themselves caught in a political catch-22. Many liberal elites actually desired to produce a principled opposition to the Republican position by focusing on rehabilitation and the root causes of crime, but they were stymied by their (likely legitimate) fear of being perceived by the American public as coddling criminals. The result is that "we invest too little in prevention, for fear of being seen as soft on crime. Our under-investment in prevention, in turn, exposes the system to charges of racism, which are enough to paralyze but not to liberate liberals" (Estrich 1998, p. 92). In a review of Estrich, Jonathan Simon writes that:

> Liberalism is in a "tight place," caught between crime and race. To survive, it must escape to a wider space where its traditional coalition can thrive. Their [liberals] commitment to undoing the effects of racism has made them reluctant to address crime and embrace punishment for lawbreakers. In contrast, conservatives like Ronald Reagan could express open-throated outrage about crime, unhampered by any fears of a resurgent use of penal justice to achieve racial domination. (Simon 1999, p. 858)

Indeed, throughout the 1980s, the Democratic Party continued to suffer from public perceptions that it was too soft on crime (Wattenberg 1995). This weakness was personified in the 1988 presidential election by Willie Horton, a black man who had been convicted of murder in Massachusetts and had subsequently kidnapped and assaulted a white couple while out on a weekend pass from prison. The Republican campaign seized on the story, running advertisements that relied on a menacing photo of Horton to invoke viewers' fears, which could then be linked to the overly permissive policies that had allowed the furlough program to persist. "The 'Willie' Horton imagery served several purposes for the Republicans—it not only conjured up white fears of black crime, but also reinforced the perception of many white voters that the Democrats were overly tolerant of social deviants (read, blacks)" (Klinkner and Smith 1999, p. 305).

The Bush campaign vigorously denied that the Horton appeal had anything to do with race, and the press generally supported this "colorblind" view of the campaign's tactics; the Horton story was not about race, but was instead "simply a public airing of the problem of crime and what the government might do about it" (Mendelberg 1997, p. 139). Yet, whatever the Bush campaign's intentionality was with respect to race, it trotted out Willie Horton in stump speeches and political advertisements as evidence that Dukakis—who had supported the furlough program while governor—was soft on crime. "The image of a dangerous killer being released from prison to prey on an unsuspecting family was used by Dukakis opponents to cast the Democratic Party as out of touch with the fears of ordinary law-abiding citizens and unable to inflict the punishments supported by such citizens" (Simon 1999, p. 855).

The nail in the coffin for Dukakis's public credibility on the crime issue was his seemingly dispassionate answer to a debate question regarding appropriate punishment in the hypothetical murder and rape of his wife. The governor's unwillingness to display emotion at the idea of this insult to a loved one, combined with his refusal to endorse a retributive response in light of his longtime opposition to the death penalty, was seen as further evidence that the candidate was simply not relatable to average Americans. "The governor's cold, unemotional response betrayed his total misunderstanding of what was happening on stage that evening" (Stark 1992, p. 303).

Democrats learned their lesson. In the wake of Dukakis's unexpected defeat (the Democrat had been leading in some polls by as much as 17 points during the summer before the election) (Simon 1999), Democrats took up their own "tough on crime" position, launching what would quickly become a "punitive policy bidding war" (Murakawa 2005). As assailing one's political opponent to be "soft on crime" became a tried-and-true campaign strategy, candidates from both parties began a game of one-upmanship, seeking to outdo one another on punishment. During this period, crime policy was marked by "ideological confusion," with both sides shifting the terms of the debate toward punishment and away from the root causes of crime. "The traditional structure of the liberal–conservative crime debate is a debate between punishment and rehabilitation, between their responsibility for breaking the law and our responsibility for creating a rotten society. It is a debate you don't hear very much, except when conservative talk show hosts are debating themselves, for the very reason that the liberal position is politically untenable" (Estrich 1998, p. 67). Thus by the late 20th century, the broad liberal–conservative spectrum of policy options that marked the 1960s, which ranged from crime prevention to punishment, had "largely disappeared…. Instead, the major policy debate in the 1990s, at least in the congressional arena and in the media, centers on the punishment/crime control end of the spectrum" (Poveda 1994, p. 73).

By the time of Bill Clinton's 1992 campaign, the Democratic presidential candidate made sure he "found time to demonstrate dramatically his commitment to law and order, and the lessons his campaign had learned from the Democrats' inability to compete with Republicans on crime" (Holian 2004, p. 96). Moreover, Clinton's proven commitment to a tough-on-crime agenda during his time in Arkansas made him a sizably harder target than Dukakis. Squarely staking his claim, Clinton remarked at a campaign stop in Ohio prior to the Democratic Convention in 1996:

> I never thought of public safety as a political issue before; I never thought of it as a Republican issue, when they said they were tough on crime, because I'd been working on it for 20 years. It never occurred to me that when a person gets mugged, they don't ask if you're a Democratic or a Republican. I thought it was an American issue. (Poveda 1994)

And whereas part of his successful strategy for "stealing" (Holian 2004) the crime issue from Republicans was to reframe the debate, it was not by advocating a return to rehabilitation or a renewed focus on prevention. Although Clinton's early rhetoric sparked optimism among liberal reformers who hoped that penal change had arrived, his politics in practice turned out to pair an "iron fist and [a] velvet tongue" (Kramer and Michalowski 1995); Clinton's seemingly reformist stance on crime control was "a balance of gestures, rather than workable solutions" (Simon 1999, p. 866). In fact, Clinton's strategy combined an increased focus on gun control with such traditionally Republican legislative staples as expanded policing, tougher penalties for offenders (including support for three-strikes-and-you're-out), and an expansion of death penalty crimes; "essentially, Clinton adopted a

'Yes, but' strategy" (Holian 2004, p. 101). Even as he decried the Bush–Reagan strategy of creating racial resentment by blaming blacks for crime, Clinton was unveiling one of the largest crime-control packages of modern governance, which would serve to deepen the political commitment to a punishment approach to crime control, substantially expand the punitive apparatus, and ultimately exacerbate the racial disparities that would come to define the criminal justice system in the modern era (Kramer and Michalowski 1995).

II. The Black–Crime Connection, Public Attitudes, and Implicit Racial Appeals

What role did public conceptions of race and crime play in the partisan politicking just described? In this section, we explore the "race–crime correlation" in the public consciousness and the role of black stereotypes in shaping public attitudes toward crime control, politics, and social policy. As we described, during the 1960s hotbed of racial unrest, politicians relied heavily on the black–crime linkage to mount a terrific assault on the civil rights movement, arguing (as they had in lynching and segregation debates), first, that integration would produce a wave of black lawlessness, and, later, that black activism and black riots were a result of black propensities toward crime and violence. Polls during this period document that blacks were equated with crime and racial violence in the public imagination; when asked about the causes of race riots, 57 percent of whites in 1968 said, "desire of Negroes for violence" and 53 percent said, "desire of Negroes to loot stores" (nonexclusive categories, percentages include both "major cause" and "minor cause") (Louis Harris and Associates 1968). Moreover, large percentages of whites attributed criminality to blacks: one-third of the public in 1963 believed "blacks breed crime" (Erskine 1967–68, p. 666); 43 percent of whites in 1969 agreed that "Negroes tend to breed crime more than white people;" in the same year, 42 percent of whites listed Negroes as a "major cause" of "breaking down law and order" (Louis Harris and Associates 1969); and a survey in 1967 found that 42 percent of people agreed that "negroes like physical violence more than white people" (Erskine 1967–68). These trends suggest "a clear attitudinal spillover and linkage from the crime issue to the race issue" (Scammon and Wattenberg 1970, p. 97).

The race–crime correlation continued to have political significance throughout the end of the 20th century, but it changed somewhat in both form and tone. Politicians, the media, and other elites continued to trot out the scourge of (black) crime whenever it could gain them votes, viewers, or legislative victories. However, as norms of racial equality came to be more widely held by the American public and open expressions of racist sentiment declined (Schuman et al. 1997), elites became increasingly hesitant to use overtly racial language in their political platforms, speeches, and campaigns. "In the wake of the civil rights movement, openly racist appeals to white voters fell from favor, even as white anxiety about rapid social change increased" (Lopez 2011, p. 54). Instead, political cues—and the public debate over race and crime—became increasingly subtle, even as the black criminality stereotype became ever more deeply embedded in the public consciousness (Jamieson 1992). In particular, the language of law and order gained traction as a seemingly race-neutral way to appeal to white voters' lingering racial resentment. As Katherine Beckett and Angelina Godoy write: "Because punitive crime-talk ostensibly targets problematic behavior rather than particular social groups, it appears to be universalistic rather than particularistic, and thus meshes well with the norm of formal equality that is the hallmark of liberal democracy. At the same time, punitive crime talk often has 'coded' meanings that enable those who mobilize it to tap into inter-group hostility or fear" (Beckett and Godoy 2008, p. 161). Ian Haney Lopez describes the colorblind ideology as a "form of racial jujitsu":

> Co-opting the moral force of the civil rights movement, it uses that power to attack racial remediation and simultaneously to defend structural racism—in the criminal context, directly by insisting that massive racial disparities are "not racism"; and indirectly, but still more powerfully, by providing cover for transparent appeals to racial anxiety. (Lopez 2010, p. 139)

Perhaps nowhere was this transition to a race-coded language of crime more clear than in the rise of the war on drugs, which had its most direct effects on largely black urban ghettos. The "discovery" of crack in the inner city, and the attendant fears it invoked among whites that crack use would not be contained among poor blacks but could potentially spread to their own neighborhoods, was a "key motivator for criminal sanctions" (Provine 2007; see also Gordon 1994; Reeves and Campbell 1994; Beckett and Sasson 1997). Political rhetoric about the scourge of drugs in "the ghetto," the crisis of "the inner city," and the devastating problems of "the crack baby" became new ways of referencing poverty and drugs in black America. In other words, politicians made increasing use of seemingly race-neutral language, such as "crime in the streets," "law and order," and its more recent incarnation, "inner-city violence," which carried strong racial content but was safe from charges of racism, in the sense that it refers to race while being distinct from racism (understood as derogatory racial epithets or negative stereotypes). Using "crime control as a proxy language for race" (Lopez 2011, p. 54) allowed political elites to leverage the white public's racial fears and stereotypes without opening themselves up to criticisms of "playing the race card."

It was not that the war on drugs was motivated by racism, per se. Rather, it leveraged whites' racial unease in the post–civil rights era in order to move forward a punitive tough-on-crime agenda—and to score political points with a public increasingly concerned with the issue of crime. Moreover, attending to a lack of "personal responsibility" among drug users dovetailed well with the rise of a new "symbolic racism" that focused attention on the moral failings of blacks, rather than on the claims of inherent biological inferiority that had underpinned traditional racism in previous decades (Sears and Kinder 1971; Sears and McConahay 1973; McConahay and Hough 1976; Sears et al. 1980). Thus, the war on drugs provided a platform and policy agenda through which a new (and more socially acceptable) incarnation of white racism could be acted out. As Michelle Alexander argues, "[t]he war on drugs, cloaked in race-neutral language, offered whites opposed to racial reform a unique opportunity to express their hostility toward blacks and black progress, without being exposed to the charge of racism" (2010, p. 53).

This veiled language of race and crime did not need to be manufactured to promote a more punitive criminal justice agenda; it was readily available. Americans have a long history of equating blacks with criminality. "Fear of crime could emerge as a coded sop to white voters only because colorblindness provided a cover, however thin and transparent, for a racist narrative reaching back to slavery-era hysteria over black brutes, rape, and lawless mayhem" (Lopez 2011, p. 54). Indeed, the "ideological currency of black criminality" has long historical roots dating back to at least the first Reconstruction (Muhammad 2010, p.3). The historian Khalil Muhammad demonstrates that black crime was central to the national racial imagination and shaped virtually every debate over blacks' "fitness for citizenship." Black crime statistics were relied on during the Progressive era to

legitimate their isolation, limit white responsibility to help blacks, as a justification for violence against blacks, and as a shield against the charge of racial domination (Muhammad 2010). We can find countless examples of this rhetoric—and its analysis by scholars of race and crime—throughout history. Charles Harvey McCord's 1914 polemic "The American Negro as a Dependent, Defective, and Delinquent" describes the "average negro" as "a child in every essential element of character, exhibiting those characteristics that indicate a tendency to lawless impulse and weak inhibition" (p. 108). In his 1928 article "The Negro Criminal: A Statistical Note," for the *Annals of the American Academy of Political and Social Science*, Thorsten Sellin likewise notes that, at the time of his writing, it was "commonly believed that the negro in our country is more criminal than the white" (1928, p. 52). Although more than a half-century old, Sellin's writing was remarkably prescient of the modern media environment, in which blacks are seen to be hyper-criminalized. Sellin writes:

> The colored criminal does not enjoy the racial anonymity which cloaks the offenses of individuals of the white race. The press is almost certain to brand him, and the more revolting his crime proves to be the more likely it is that his race will be advertised. In setting the hallmark of his color upon him, his individuality is in a sense submerged, and instead of a mere thief, robber, or murderer, he becomes a representative of his race, which in its turn is made to suffer for his sins. (1928, p. 52)

Strategic politicians in the 1960s and beyond were not alone in mobilizing racial resentment using crime-related appeals. Media representations of crime during these decades also shifted: crime as a topic became ubiquitous in the media and conflated with race. Countless studies suggest that portrayals of crime and criminals remain frequently racialized, in both subtle and overt fashion. Most notably, several studies find that crime is among the most common themes of stories featuring blacks (Entman 1992, 1994; Poindexter, Smith, and Heider 2003) and that racial minorities in these stories are significantly less likely to be portrayed as the victims of crimes than as criminal perpetrators (Chiricos and Eschholz 2002; Poindexter, Smith, and Heider 2003; Bjornstrom et al. 2010). By contrast, whites are likely to be portrayed as both victim and offender (Dixon and Linz 2000*a*; Chiricos and Eschholz 2002). This is true across several types of media, including local television news (Gilliam et al. 1996; Dixon and Linz 2000*b*), entertainment television (Oliver 1994), and the print media (Barlow, Barlow, and Chiricos 1995). For example, Barlow, Barlow, and Chiricos found that 74 percent of references to an offender's race were to nonwhites in mainstream newsmagazines, whereas only 28 percent of actual arrestees in these years were nonwhite (1995). Blacks are thus overrepresented relative to whites, but also compared to what their share of offenses warrant. Black suspects are also more likely to be shown in handcuffs, in mug shots, in police custody, and as suspects in violent crimes, whereas whites were more likely to be pictured in suit and tie and accompanied by their lawyers (Entman 1990; Chiricos and Eschholz 2002). Moreover, crime stories portraying black perpetrators are more frequently about violence or drugs than are crime stories portraying whites (Entman 1994). In sum, "the typical news story on crime consists of two 'scripts': crime is violent, and criminals are nonwhite" (Gilliam et al. 1996, p. 288). These stories serve to stoke whites' racial fears; "for whites, such stories are vivid reminders of the supposed threat they face from 'aggressive' and 'violent' minorities, including blacks" (Valentino 1999, p. 297).

Thus, fueled by both media coverage and partisan rhetoric (Beckett 1994), the specter of the "criminal blackman" (Russell-Brown 2006, p. 2) remained strong over the next few decades in popular perceptions. Polls again show the link: in a 1995 poll, when asked what type of person they think of when they hear about a crime being committed, the highest response category for both blacks and whites was "a black man" (NBC News Poll 1995); more than 40 percent of the public said blacks and whites were "different when it comes to the likelihood of committing a crime" and that blacks were more likely to commit crime (NBC News/Wall Street Journal Poll 1994). In 2008, when asked which kinds of people are more prone to violence in the United States, half of all people said blacks and Latinos (Los Angeles Times/Bloomberg Poll 2008). And, in a throwback to the polls of the 1960s, 21 percent of the public believed blacks "breed crime" as recently as 1988 (NAACP Legal Defense and Education Fund 1988).

Likewise, laboratory studies have found a strong and consistent correlation between whether individuals have typical Afrocentric physical features, such as kinky hair, darker skin tone, fuller lips, or a broader nose—essentially, whether people "look black"—and the likelihood that they will be perceived as criminal. These results held even when research subjects were explicitly instructed before the experiment that they should avoid using racial stereotypes in their judgments (Pizzi, Blair, and Judd 2005). Nor are law enforcement officials immune to these same biases. In experimental work by Jennifer Eberhardt and colleagues, police officers judged African Americans with more Afrocentric features (such as darker skin) as looking "criminal" more often than those who looked more European (Eberhardt et al. 2004). Officers in the experiment were also more likely to falsely identify a stereotypically black face when primed to think about crime; "indeed, thinking about the concept of crime not only brought black faces to mind, but brought stereotypically black faces to mind" (Eberhardt et al. 2004, p. 888). In fact, experimental subjects in other studies have been shown to remember a perpetrator more vividly and have stronger emotional reactions when the perpetrator was darker in skin tone (Gilliam and Iyengar 2000; Dixon and Maddox 2005).

The overrepresentation of blacks, particularly black men, in media coverage of crime is likely to have consequences for public orientations toward that social group by reinforcing stereotypes (Barlow, Barlow, and Chiricos 1990; Russell-Brown 1998; Dixon and Linz 2000*a*, 2000*b*; Dixon, Azocar, and Casas 2003). But, more generally, deep and persistent stereotypes linking blacks to crime and to other socially undesirable behaviors can be activated by simply the presence of black faces; a black face in an otherwise race-neutral context brings to bear all of the schema-associated content, including negative stereotypes, that has come to be linked to blackness in the viewer's mind. The black–crime connection is therefore not only a cognitive correlation, but has tremendous consequence for the public's preference for what to do about crime and violence (Sears et al. 1980). Media coverage of crime provides the public with frames, symbols, and stereotypes that link race and crime in the public imagination. In turn, these simplistic and stereotyped versions of reality become a lens through which public policies are understood; one that is facially race-neutral but carries implicit racial cues. "Willie Horton is to crime control as the Welfare Queen is to welfare policy …these two black people were used as metonyms to caricature in their blackness and in their behavior entire areas of government policies" (Tonry 1996, p. 10). And because a majority of the public's information and understanding of the problems of crime come from media coverage (Roberts and Doob 1986; Alderman 1994), racial cues in crime news have important consequences for public perceptions of crime and criminality. Thus, even as crime rates fell, public concerns about crime continued to manifest. As the media "bombarded" the public with a steady diet of "gruesome or notorious episodes of crime" (Gilliam et al. 1996, p. 7), the public responded with calls for more punitive policies toward criminal offenders. And race played a critical role in this regard; as Gillian et al. conclude:

> The first distortion (the news media's focus on violent crime) is not, by and large, responsible for the public's heightened fear of crime. The

second distortion, however (concerning the race of the perpetrator), is a much more significant cue: exposure to criminal activity committed by nonwhites in and of itself makes viewers more concerned about crime. Most important, the media has, in effect, defined crime in racial terms, and this serves to activate widely shared stereotypes about racial minorities. These stereotypes then become connected to viewers' opinions about crime. In effect, viewers are "primed" to consider crime through the lens of their racial stereotypes. (Gilliam et al. 1996, p. 8)

Across an array of studies, the single largest and most consistent predictor of crime policy preferences was beliefs about race; time and again in these studies, punitiveness is linked to beliefs about blacks (Cohn, Barkan, and Halteman 1991; Soss, Langbein, and Metelko 2003; Federico and Holmes 2005; Hurwitz and Peffley 2005). Experimental studies that vary the race of the offender in crime news have found compelling evidence that black suspects prime racial attitudes (Valentino 1999) and affect support for punitive sentencing (Hurwitz and Peffley 1997; Gilliam and Iyengar 2000). Others have found that racially stereotypic crime news primes negative stereotypes and increases support for other punitive crime policies, but only for whites in racially homogenous contexts (Gilliam, Valentino, and Beckman 2003). Racial animus, resentment, and stereotypes increase public support for the death penalty (Barkan and Cohn 2005), harsher courts and stricter sentences (Johnson 2003), and the crack-cocaine disparity (Bobo and Johnson 2004); and white's punitive attitudes, especially support for the death penalty, are highly correlated with Jim Crow and laissez-faire racism but not with economic insecurity (Johnson 2001). Whites' beliefs about crime and punishment in general are strongly influenced by racial attitudes, but racial ideas have a greater effect on attitudes toward punitive policies as opposed to preventative policies (Hurwitz and Peffley 1997).

Perhaps more surprising are the spillover effects of the black–crime correlation for the public's political attitudes more broadly. In her book *The Race Card*, Tali Mendelberg outlines a theoretical perspective for how implicit racial appeals shape public attitudes (1997). She suggests that in the post-civil rights era whites generally adhere to norms of racial equality. They would therefore reject a political appeal that had explicit negative racial content. At the same time, however, they harbor lingering racial resentment toward blacks who are seen as having failed to embrace norms of hard work and individualism. Racial appeals that trigger negative racial schemas without being recognized as doing so—implicit appeals that use visual but not verbal racial cues, rather than explicit appeals that employ both visual and verbal cues—are those that are therefore most likely to be effective. Thus, for example, the Willie Horton ad served to shape public perceptions of racial policies precisely because it activated racial content while seemingly saying nothing about race. Just as Nixon's "law and order" campaign spots had done, the Horton ad could mobilize white racial resentment without violating now widespread egalitarian norms. Instead, the ad brought the image of a menacing black criminal to the front of white voters' minds and thereby activated negative black stereotypes. Mendelberg argues that this image powerfully influenced public sentiment not just at the polls but on several prominent policy issues even after the campaign ended, leading to "greater resistance to policies perceived as illegitimately benefitting African Americans" (1997, p. 151). She and others suggest stories about crime and criminals that carry implicit racial content can powerfully shape public preferences. "[I]f opinions about two substantively unrelated issues, like welfare and crime, are linked in memory to one's racial attitudes, then exposure to crime should also activate race and should subsequently activate other race-relevant issues, such as welfare" (Valentino 1999, p. 295).

Implicit racial priming can also be an important factor in candidate evaluations. Nicholas Valentino argues that Democrats became linked to blacks as a social group in the minds of voters. It is Democrats who are therefore disadvantaged when news about crime activates negative racial content. In experimental work, Valentino found that exposure to crime reporting, especially when it features black suspects, primed voters to employ Clinton's performance on crime and other race-coded policies in their overall evaluations of the president, as well as priming racial group concerns more generally, and that such priming served to significantly decrease support for Clinton while boosting support for his Republican challenger, Bob Dole (Valentino 1999). Similarly, Valentino and colleagues in a later study found that implicit racial content, particularly when it implies that blacks are undeserving of government aid, primes race-based schemas. These schemas increase the accessibility of negative stereotypical content, such as "lazy," "drug," and "crime." In turn, by increasing the salience of racial attitudes to candidate evaluations, implicit racial primes increased support for Republican George Bush relative to Democrat Al Gore (Valentino, Hutchings, and White 2002).

Taken together, these studies make clear that the racial nature of the crime issue has emerged as an important theme in scholarship on American politics and histories of the civil rights era and beyond. It has appeared in research on discussions of racial realignments (Scammon and Wattenberg 1970; Sundquist 1983), histories of "law and order" and the "southern strategy" (Button 1978; Cronin, Cronin, and Milakovich 1981; Flamm 2007), accounts of civil rights (Klinkner and Smith 1999; Horton 2005), and studies of implicit racial appeals in electoral politics by vote-seeking politicians (Mendelberg 2001). But because the aim of these scholars was not to explain a shift in punishment policies but rather to explain modern party dynamics and the rise of conservatism, they focus primarily on the impact of the race–crime connection on partisan shifts and public opinion. How the "law and order" appeal changed punishment and criminal justice in America is taken up by a different set of scholars, to whom we now turn.

III. Race and Crime as a Symbolic Issue and the Rise of the Carceral State

Scholars of the carceral state have also taken the 1960s debates over law and order as a formative moment, this time to explain the nation's unparalleled shift toward greater punishment. Much like the accounts concerned with shifting partisan politics, punishment scholars point to changes in crime discourse during this period as setting the stage for later developments in American crime policy. Their accounts overlap with and extend what we know from political and historical accounts of the rise of conservatism, the law and order strategy, and the strategic connection of race, civil rights, and crime.

One of the earliest treatments is political scientist Stuart Scheingold's *The Politics of Law and Order: Street Crime and Public Policy*. Scheingold argued that what observers of the 1960s took for granted was that calls for law and order transcended concerns over crime and tapped deep public anxieties about "rapid and unwelcome social change" (Scheingold 1984, p. xi). Politicization of the crime issue was distinct from increases in the crime rate and, as such, shifting punitiveness was the result more of political choices about punishment than "functional imperatives" (p. 5); crime was neither necessary, nor sufficient. Indeed, punitive responses to crime show less correlation than we might imagine with the actual rate of crime, violence, and victimization in society. Instead, Scheingold suggests that the crime issue was manipulated by politicians for political gain and electoral opportunity; in his words, crime was the "politicization of social conflict" (p. 28), and criminality was "a status conferred by the political order" (p. 5). Cracking down on

crime was a way for political elites to redirect social angst toward crime; the opportunity to call for more punitiveness is at its greatest when there is a racial crisis or threat to order. Thus, Scheingold saw punishment as "addressed to the law-abiding rather than lawbreakers," serving as an important signal to voters and a "symbol of resistance to unwelcome changes of all sorts" (Scheingold 1984, p. 86).

It is thus not simply the case that politicians responded to a public that demanded more punitive action to deal with crime. According to Katherine Beckett, political initiatives in this period actually preceded a shift in punitive sentiment; public concern over crime and more punitive policy preferences came *after* elite crime appeals and attention to the issue. In fact, it was often the case that elite discourse on crime was entirely separate from the crime rate; for instance, Clinton's 1994 crime package was sent to Congress as real crime rates were decreasing. Similarly, Reagan proclaimed a nationwide drug epidemic that called for immediate legislation through a "war on drugs," even though drug use and distribution were on the decline.

To explain why the crime issue emerged when it did and how it was framed, scholars of the "punitive turn" again pointed to the strategic considerations of political elites, the rapidly shifting racial landscape, and the viability of crime as a mobilizing issue. As Naomi Murakawa aptly describes, "rising black civil rights compelled national leaders to put crime on the national agenda, and waning support for black civil rights helped to forge a new punitive consensus" (2005, p. 136). Political dynamics, over and above crime, helped transform the arena in which crime policy rose to prominence. Murakawa posits a "race-laden electoral connection" in which crime policy is developed in a context in which parties and legislators have powerful electoral incentives to proffer racial framings of the crime problem. Because the costs of these policies are "racially concentrated," there are few checks on the "punitive bidding wars" that result. Katherine Beckett, in *Making Crime Pay*, likewise argues that "the creation and construction of the crime issue in the 1950s and 1960s reflect its political utility to conservative opponents of social and racial reform" (Beckett 1997, pp. 28–29). Political rhetoric around street crime was linked to antagonism toward "excessive" civil rights legislation, to permissive Great Society programs, and to liberal court decisions that "coddled" criminals (Becket 1997). "In stark contrast to the social consensus dominant since the New Deal, which envisioned the poor as trapped by large-scale forces largely beyond their ability to overcome through personal effort alone, the language of lawbreaking relied on and promoted a social vision of individual failure rooted in moral depravity" (Lopez 2010, p. 14). For example, in a campaign speech, Barry Goldwater linked welfare programs to crime, saying, "if it is entirely proper for the government to take away from some to give to others, then won't some be led to believe that they can rightfully take from anyone who has more than they? No wonder law and order has broken down, mob violence has engulfed great American cities, and our wives feel unsafe in the streets" (Beckett 1997, p. 35).

However, the connection between crime and race did not suddenly emerge in the 1960s. Katherine Beckett suggests that the law and order theme was first employed by southern politicians to "discredit" the civil rights movement. "The rhetoric of law and order was first mobilized in the late 1950s as southern governors and law enforcement officials attempted to generate and mobilize white opposition to the civil rights movement" (Beckett 1997, p. 11). Naomi Murakawa is even more specific, finding that concern over crime was central to controversies over civil rights in congressional debates long before Goldwater, Nixon, and GOP candidates during the 1960s. "Alongside arguments for state's rights and segregation's merits, southern Democrats opposed civil rights legislation in criminological terms, arguing that forced race-mixing breeds crime, that civil rights legislation rewards black lawbreaking, and that blacks are responsible for street crime" (Murakawa 2005, p. 81). Indeed, talk of street crime was used in opposition to the civil rights bills of 1956, 1957, 1960, and 1963. Arguing that racial equality and integration would generate crime, southern Democrats even proposed that the Civil Rights Commission be charged with collecting crime data (Murakawa 2005, p. 88). Michael Flamm notes that debates about racial integration often featured arguments about bringing black crime to white neighborhoods: "in Mississippi, for example, the Citizens Council of Greenwood prepared a lurid pamphlet entitled 'Crime Report Reveals Menace of Integration'" (Flamm 2007, p. 21). Later, racial conservatives argued that further civil rights legislation would simply "reward" rioters.

In Naomi Murakawa's account, by the 1960s, both parties spoke of crime in race-specific framings; while Republicans suggested that civil rights agendas breed crime, liberal nonsouthern Democrats argued that "crime is a manifestation of racial and socio-economic equality not gone far enough" (Murakawa 2005, p. 30). In this way, the parties' contests over civil rights hinged centrally on how they presented the crime issue to the national public. By the mid to late 1960s, however, the racialized crime discourse "moved from congressional debates on civil rights to congressional debates on crime" (Murakawa 2005, p. 92). Murakawa (2005), Beckett (1997), and Weaver (2007) all show that new federal intervention on crime policy during this decade, most notably the Safe Streets Act and D.C. Crime Control Act, were linked to debates over civil rights and racial equality.

What made continuing calls for law and order significant was not simply their thinly veiled race-based appeal to white voters and the backlash they engendered; what made them important is that policy changes soon followed. Cries for law and order resulted not just in weakened support for civil rights policies and a slowing of the agenda on racial equality, but in a massive shift in the scope and mode of punishment. The "crime in the streets" and "law and order" campaign of the 1960s utterly transformed the criminal justice system; it set new precedents for federal action, it resulted in the birth of a new bureaucracy (the Law Enforcement Assistance Administration), it lavished billions in crime aid to states that engaged in a wave of their own reforms, and it ultimately resulted in a complete reversal of the racial composition of prisons. The result was a large and racially disproportionate system of criminal surveillance, adjudication, and punishment. As Michelle Alexander notes, more blacks are in custody or under supervision today than on the eve of slavery's demise (2010). Just as Jim Crow poll taxes, white primaries, and literacy tests sought to diminish black voting, modern felon disenfranchisement statutes have expelled more blacks than before the 15th Amendment was passed.

It has now become commonplace in scholarly and popular accounts to suggest that the nation's long, sordid racial cleavages had something to do with how punitive we are and why punishment expanded on the heels of one of the largest expansions in civil rights. Even so, scholars disagree about how important a factor it was and about the mechanisms that drove these unprecedented changes. And, although it is generally agreed that race played some role in America's modern fascination with punishment, surveillance, and control, there is precious little in the way of rigorous theorizing about this link. Were the law and order, war on drugs, and 1994 crime bills attempts to control the black population, undermine the expansion of political rights, or regulate surplus labor?

One group of scholars argues that the prison is a modern instrument of racial and social control, offering a way to manage disadvantaged segments of the labor force and preserve white racial dominance; according to this perspective, incarceration represents the most recent adaptation and evolution of racial hierarchy. In *Punishing Race*, Michael Tonry suggests that drug and crime policies are designed to "maintain political, social, and

economic dominance over blacks" (Tonry 2011, p. 99). The most muscular account of this thesis was presented by legal scholar Michelle Alexander. In her widely acclaimed book, *The New Jim Crow*, Alexander argues that American punishment, and particularly the war on drugs, is the latest racial caste system. She compares mass incarceration to prior systems of racial hierarchy and racial social control and argues that the similarities between them overwhelm the differences. Many black men are now "part of a growing undercaste," relegated to the margins of our social and political order.

Alexander gives thumbnail historical sketches of America's earlier racial castes, showing how they were created, maintained, and how they eventually evolved into new racial caste systems. Each, she maintains, took on a "common sense" quality. But the latest caste system based on the war on drugs receives the bulk of her attention, as she details the ways that mass incarceration presented itself as a new mechanism of control that could be justified in race-neutral terms even as millions were "banished to a political and social space not unlike Jim Crow" (Alexander 2010, p. 56). Although this most recent caste system rests on new justifications, its results are strikingly similar: "rather than rely on race, we use our criminal justice system to label people of color 'criminals' and then engage in all the practices we supposedly left behind…. We have not ended racial caste in America; we have merely redesigned it" (Alexander 2010, p. 2).

Alexander describes how the system works: first, blacks are arrested through police targeting poor black communities and wide police discretion in who to stop; once convicted, they receive sentences outside international norms due to harsh drug laws and mandatory sentences passed by enterprising politicians; inside, they receive less than the minimum wage for prison labor; and, once let out, they are marked by civil death and excluded from normal employment, education, benefits, and even jury service, and they become fearful of further contact with government authorities. Their undercaste status is sealed.

The mechanics of this new racialization as she outlines them are complex—everything from pretextual stops to peremptory strikes to the pecuniary incentives given law enforcement officials for buy-and-bust drug operations and overzealous prosecutors extracting guilty pleas—but, central to its functioning is the fact that it is very difficult to call out as racist, which helps shield it from opposition in popular and political discourse and keeps it "immunized from legal challenge" (Alexander 2010, p. 5). This racial caste system therefore contains a new twist: first, unconscious biases are "given free reign" in officials' decisions about who to stop, search, arrest, and charge; and then, only explicit operation of racial bias can be used to challenge devastatingly racialized criminal justice outcomes, thus sealing it off from challenge. This two-step design "has helped to produce one of the most extraordinary systems of racialized social control the world has ever seen" (Alexander 2010, p. 101). In fact, Alexander argues that this racial caste system will prove more durable than earlier systems simply because it "is not explicitly based on race …it is the genius of the new system of control that it can always be defended on nonracial grounds" (Alexander 2010, p. 100). This new "common sense" narrative allows a racialized system of control to operate without conscious racial animus: "today, the political fanfare and the vehement, racialized rhetoric regarding crime and drugs are no longer necessary. Mass incarceration has been normalized, and all of the racial stereotypes and assumptions that gave rise to the system are now embraced (or at least internalized) by people of all colors, from all walks of life, and in every major political party" (p. 181). In other words, the new racial control has adapted to modern rules and norms of racial equality while achieving many of the same results, including the "exclusion of black men en masse from the body politic." Just as the earlier systems featured widespread discrimination against blacks, so too is the modern racial order structured by the drug war's disproportionate impact on urban blacks: "young black men today may be just as likely to suffer discrimination in employment, housing, public benefits, and jury service as a black man in the Jim Crow era—discrimination that is perfectly legal, because it is based on one's criminal record" (pp. 180–81). Hers is a call to make incarceration a racial justice issue, and so her purpose is not to test her argument but to awaken us to the need to dismantle the newest racial caste system. Although Alexander's position is provocative, ultimately, it is a difficult one to test; even she acknowledges that the evolution, morphing, and adaptation of racialized systems of control are "easier to see in retrospect." In addition, by focusing primarily on the drug war and its consequences, Alexander gives short shrift to the more complicated (and less sympathetic) issue of enhanced sentencing rates for violent felonies, which has also played a primary role in producing the racial disparities that mark incarceration in the modern era.

Maintenance of an evolving racial order also plays a role in Loic Wacquant's writings. Like Alexander, he too analogizes the carceral state with historical systems of racial control, arguing that there is a functional equivalence between slavery, Jim Crow, the ghetto, and the prison as systems of race control that replaced each other chronologically (Wacquant 2000). As blacks were liberated from Jim Crow, "the prison abruptly returned to the forefront of American society and offered itself as the universal and simple solution to all manners of social problems" (Wacquant 2000, p. 384; Wacquant 2001). And although Wacquant would seem to agree with Alexander that mass incarceration is a new racial caste system, he contends that the system depends not just on controlling blacks but also on managing the poor. For Wacquant, the rise and collapse of the urban ghetto is important to understanding the rise of the penal state, and class is as important as (and interacts with) race. The function of the ghetto was to "permit the economic extraction and social ostracization" of a dishonored population. Through "stigma, constraint, spatial confinement, and institutional encasement," the ghetto was the primary institutional mechanism for controlling urban blacks until the 1970s, when deindustrialization, immigration, suburbanization, and urban protest made the economic utility of the ghetto obsolete. "As the ghetto lost its economic function and proved unable to ensure ethnoracial closure, the prison was called upon to help contain a population widely viewed as deviant, destitute, and dangerous" (Wacquant 2010, p. 81).

The growth in the prison did not proceed alone, but was accompanied by the downsizing of the social safety net and the desocialization of wage labor. Wacquant argues that the shrinking welfare state, the retrenchment of the formal labor market in the metropolis, and the shift to workfare are part of the same institutional transformation as the rise of the carceral state, what he calls the "double regulation of poverty" (Wacquant 2009, p. 108). This twin transformation has created a new type of relationship to the state for the urban poor. The scaling up of the prison and the rollback of the welfare state have "not been driven by raw trends in poverty and crime, but fueled by politics of resentment toward categories deemed undeserving and unruly" (Wacquant 2010, p. 74). For Wacquant, it is this penalization of poverty that explains the situation of people at the bottom of the class and ethnic order today.

But was it really our nation's need to control blacks and the poor that drove punishment expansion and the exceptional political development in America, one that meant jeremiads against crime would routinely erupt in the political landscape and leave massive crime control institutions in their wake? One of the most developed accounts that casts doubt on the singular importance of racial politics is Marie Gottschalk's, *The Prison and the*

Gallows. Although Gottschalk agrees with Murakawa, Weaver, and others that strategic political considerations did play some role in the push for more punishment, she warns us that these accounts are "incomplete," failing to explain cross-national differences and focusing too much on the recent past. Instead, "varying institutional settings help us understand why politicians and public officials in the United States tended to pursue punitive options and why these options found more receptive soil in the United States than elsewhere" (Gottschalk 2006, p. 79). Unlike many accounts, including those just described, which place emphasis on the 1960s as a watershed moment in both crime policy changes and the link between blacks and crime in elite, media, and public attention, Gottschalk argues that "contemporary penal policy actually has deep historical and institutional roots that predate the 1960s" (Gottschalk 2006, p. 4). Indeed, it is misleading to cast the past few decades as the first time crime was politicized. In contrast to Murakawa, Weaver, Beckett, Flamm, and others, Gottschalk reminds us that "law and order" was a "recurrent and major theme in American politics long before the 1960s and long before the modern Republican Party strategically wielded this issue to achieve national political domination" (Gottschalk 2008, p. 239).

Gottschalk also calls into question theories of punishment that single out race as the motivating factor or that suggest that prison expansion "was merely the latest chapter in a book that began with slavery and moved on to convict leasing, Jim Crow, and the ghetto to control African Americans" (Gottschalk 2008, p. 239). She notes that, although these institutions reveal some similarities, it is important not to "flatten the differences." More to the point, whereas race has been a major part of America's development and politics, our nation "did not end up with the carceral state merely because racial cleavages have been so central" to our politics (Gottschalk 2008, p. 239). Instead, race is just one of several features of our political and institutional context that affected debates over crime and punishment. Providing an interesting counterpoint to studies that highlight the important role of race, Gottschalk notes that, at some points in our history, racial concerns helped facilitate the carceral state but that, at many other points, they also "acted as a check on the development of criminal justice institutions" (Gottschalk 2008, p. 240). Sometimes those calling for greater "law and order" and more federal intervention into criminal justice were not conservative politicians, but liberals. For one example, early "law and order" efforts to make lynching a federal crime were repeatedly defeated by racial conservatives. Gottschalk's own analysis underscores the role of liberal groups in facilitating the growth of the carceral state. For example, reform movements led by feminists framed the need for punitive penal policy as a gender equity issue in their campaign against rape and domestic violence. To explain why the drive toward punishment has been so much stronger in the United States than abroad, Gottschalk's account emphasizes a unique set of institutions in the United States—the power and independence of the prosecutor, the weak welfare state, the adversarial legal system, and a longstanding moralistic tradition, among others—as well as key interests such as the victim's rights movement, feminist groups, and the like.

Other accounts likewise add complexity to the narrative that race drove our punitive response. Michael Tonry's recent book, *Punishing Race: A Continuing American Dilemma*, argues that three factors—race, moralism, and America's unique system that fails to insulate criminal justice from electoral politics—"created a political climate that was long on vindictiveness, and short on empathy, and governmental institutions that were quick to adopt policies of unprecedented severity" (Tonry 2011, p. xi). Tonry does not downplay the role of race; however, his analysis adds other overlooked components to the story of America's carceral development. He points to the "historical tendency in American life to political extremism" and notes that this helped set the United States on a different path of carceral development than witnessed abroad. Our nation's longstanding "paranoid style" of politics and religious fundamentalism meant that symbolic crusades against wrongdoers would become a major feature of our crime politics. Periodically, moral panics against drugs, prostitution, and other sinners would be waged. These moral crusades had even more impact because criminal justice policies were less insulated from electoral politics here.

David Garland's *Culture of Control* also takes into account a broad set of forces that shaped the punitive turn. In his "history of the present," Garland indicts a "network of governance and social ordering" that surrounds and supports criminal justice institutions, including "the legal system, the labour market, and welfare state institutions" (2002, p. 5). In so doing, Garland identifies social and political change related to race as part of a complex story about "postmodernity" and how it has recast responses to crime control. Like other scholars, he points to the redefinition of race and class, whereby the poor and black were increasingly cast as criminal in the public imagination. However, for Garland, these concerns are just part of a broader social upheaval and economic uncertainty that marks the modern era, trends that have left citizens increasingly concerned about crime and disorder and more responsive to symbolic calls for penal populism.

IV. Conclusion

In this essay, we have provided a broad overview of the racial politics of crime in America over the last half-century. Understanding the deep links among politics, race, and crime is an important task, not only because it helps us to understand the rise of the modern criminal justice system and its attendant racial impacts, but also because it helps us to understand the role of race in politics more broadly. As Ian Haney Lopez argues, "a racialized fear of crime and a racialized distaste for the poor have remained central elements of American electoral politics for the last four decades. Race has served as a way to refashion the state, building an enormous carceral system while hamstringing the willingness and even the ability of government to provide for the health, safety, and welfare of the public" (Lopez 2010, p. 19). In reading the mass of existing work, we cannot help but conclude that crime control has played a central role in the development of modern partisan and racial politics in America. As scholars, it is clear that we simply cannot understand a variety of major features of modern politics, from the fall of liberalism and the conservative ascendancy to modern public opinion toward racial policies, without attending to the intersection of race and criminal justice.

At the same time, although crime control has long been a symbolic issue in America, it has also had profound consequences for the building of government institutional capacity in the latter half of the 20th century. As victories of the tough-on-crime era were institutionalized, what was a relatively short-lived political strategy led to a stable shift in institutions, interest groups, and state-level criminal justice reforms. Courts, policing, and incarceration now comprise a substantial proportion of state budgets, criminal justice personnel make up a sizable proportion of state public employees, and states have invested enormous resources in physical infrastructure related to criminal justice over the past several decades. Moreover, as we have argued elsewhere, criminal justice has become an increasingly frequent point of contact between citizens and the state, particularly minority and low-income Americans, and now serves as an important site of political socialization. Those who have had contact with

criminal justice through police searches, courts, prisons, and jails are less trusting of government and less likely to participate in democratic life (Weaver and Lerman 2010). And, as others have shown empirically, the rise of mass incarceration and America's relatively punitive felon disenfranchisement laws have conspired to substantially diminish the political voice of blacks in America more directly; more than 8 percent of the black voting-age population was excluded from the vote in the 2004 presidential election, compared to less than 2 percent of the nonblack voting-age population (Uggen, Behrens, and Manza 2005). Thus, whether coincidental or as the result of a concerted effort, much of the gains in equality from the expansion in voting rights during the 1960s have been undone by greater black imprisonment.

Indeed, the campaign against street crime served not only as a symbolic issue to rally a whole host of societal fears but as a way of redefining the political agenda writ large. To Jonathan Simon, the 1960s represented a key turning point not just in crime policy and punishment, but also in our broader political order. Cast against the malaise of the 1960s, politicians needed to shore up the legitimacy of the state. Simon argues that whereas civil rights was a probable issue for "recasting New Deal governance," instead, leaders turned to crime to redefine the power and authority of the state and "as a vehicle for constructing a new political order." As he explains, the crime issue offered the path of least resistance for government innovation and intervention (Simon 2007). "Other than crime, the major objectives on the conservative agenda were constitutionally out of reach, or obstructed by the difficulty of changing settled policy in the legislative system" (Simon 2007, p. 29). Crime policies in the 1960s, like the Safe Street Act, were therefore the "first legislative fruit of a reordering of government around the problem of crime" (Simon 2007, p. 159). Marking the end of the Great Society and New Deal political orders (and the end of liberal dominance), the realization of a new governing coalition around the problem of crime had tremendous consequences for government and punishment over the next few decades. Simon argues that crime rhetoric, strategies, and symbols became the "dominant interpretive grid" of American politics.

Yet, despite the growing body of research on these important trends, many central questions remain unanswered. There is a surprising lack of literature on the role of the race–crime connection in American politics post-1980. Unlike most accounts of the conservative ascendancy, in which race is central, race is curiously absent from many accounts of the modern partisan history of crime control, particularly those that emphasize the Clintonian shift. Few empirical studies have attempted to assess the partisan dynamics of crime in the '80s and '90s through a racial lens, and, although scholars of the drug war have talked at great length about the racial effects of those policies, the role of race in bringing them about has been much less well theorized.

This is, first and foremost, because the role of racial dynamics in elite political strategies has become more difficult for scholars to discern. During the 1960s, there is no shortage of explicit references to blacks in elite rhetoric, making clear the racial intentionality behind their actions. Even those who recognized the changing landscape of racial tolerance often made little secret about their intent to employ race as a strategic political tool. For example, H. R. Haldeman, chief of staff to President Nixon, wrote in his personal diaries that "'President Nixon emphasized that you have to face the fact that the whole problem is really the blacks. The key is to devise a system that recognizes this while not appearing to'" (Parenti 2000, p. 3). However, just as racism in the mass public has become far less socially acceptable to express, so, too, have expectations for the racial ideas and language of political elites changed over time. The result is that even if modern politicians are intentionally playing "the race card" in the modern era, they are less likely to admit it or to do so overtly. Scholars can therefore only speculate about the true racial motivations of elites who employ implicit racial cues, where once they could trace the explicit use of race through elite discourse and writing.

A second reason that race has become harder to locate, however, is that the role of the race–crime connection itself has likely changed. There is little disagreement that white racial hostility was a powerful contributor to the creation of the modern criminal justice system at its inception. However, path dependence is likely to have played a sizable role in its later growth. As Marie Gottschalk shows through a sweeping historical analysis, debates about crime control were actually central to debates around state power and authority for much of the nation's history. Specifically, Gottschalk identifies several early crusades against crime and argues that although each of these crime campaigns (and the social movements with which they interacted) did not increase incarceration initially, they left behind the institutional "scaffolding" that would expand federal authority over crime; these would be the building blocks of later, truly massive expansions in the criminal justice system (Gottschalk 2006). For instance, early institutional developments like the creation of the FBI and Bureau of Prisons and the subsequent professionalization of the police mattered for the course that criminal justice would follow much later on.

Thus, once the path was set by America's sordid racial history, overt and intentional racism was no longer needed to build on a status quo. "Racial politics constituted a prime mover in the rise of racialized mass incarceration, but once institutionalized and available as a form of social ordering, crime control and the carceral state more generally achieved ever-greater autonomy from race" (Lopez 2011, p. 16). Instead, once prisons were built and economic interests were aligned, it was fairly easy to continue along this path even without the impelling force of white racism. Eventually, a new political stasis was able to take hold. In this new equilibrium, criminal justice and its racial implications became a normalized feature of American politics. Features of the system that would have seemed unimaginable in the 1970s— like the more than 7 million Americans under correctional supervision (on probation, in jail or prison, and on parole) in 2010, whereas 30 years before there had been fewer than 2 million—became fairly unremarkable (Garland 2002). This is not to say that race was no longer important or that it receded as a relevant part of the story of crime and politics. Rather, race was no longer necessary as a causal prior in the modern criminal justice story. Instead, it became an important outcome of crime control processes.

The primary puzzle of race in the modern period, then, is a story of why the proverbial dog *doesn't* bark. That is to say, while racial bias may no longer provide a compelling explanation for criminal justice expansion, it likely plays a role in why there is so little opposition to what should otherwise be alarming statistics about racial disproportionality. One probable reason for the relative silence of the American public on the growth of surveillance and incarceration over the past 40 years is that it has been largely concentrated among low-income and minority citizens—target groups about which, scholars have shown, whites continue to harbor mixed emotions. If more whites were going to prison, the story goes, we would likely have begun to decarcerate decades ago.

This, of course, begs the question of how reform might finally occur. Scholars in recent years have tentatively noted a shift back from the punitive policies of the 1970s, 1980s, and 1990s; rehabilitation may not yet be "saved" (Cullen 2005), but it is certainly "back on the table" (Simon 2008; see

also Lynch 2008). If race was critical in getting us here, it would seem sensible to locate the role of race (or its contrasting absence) in the current period. One possibility, of course, is that this most recent trend has nothing to do with race. Some posit that, in light of the recession, state budgets have overwhelmed other concerns and that states have increasingly come to see their bloated criminal justice systems as an economic (and therefore potentially political) liability (Jacobson 2005; Steen and Bandy 2007). In this account, race is shunted to the background and is only relevant in so far as it does not emerge strongly enough to counter these economic imperatives.

Other readings of the recent decline in incarceration might more centrally consider the role of race. An optimistic account of this kind would suggest that America has finally moved beyond white racism, such that Americans are now concerned enough with the disproportionate negative impact that the modern criminal justice system has had on black citizens and their communities to swing the pendulum. A more cynical reading on the role of race in the recent shift might suggest that the criminal justice system has expanded to the point that it has ensnared enough white Americans to finally engender criticism from white America. In either case, injecting a discussion of race into these politics as they unfold is a task to which scholars would do well to attend.

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