

5-2023

## Full Court Press: The Influence of Midnight Basketball, Talk Radio, and Racial Coding on the Violent Crime Control and Law Enforcement Act of 1994

George "Matt" Patino  
*California State University - San Bernardino*

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FULL COURT PRESS: THE INFLUENCE OF MIDNIGHT BASKETBALL, TALK  
RADIO, AND RACIAL CODING ON THE VIOLENT CRIME CONTROL AND  
LAW ENFORCEMENT ACT OF 1994

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A Thesis  
Presented to the  
Faculty of  
California State University,  
San Bernardino

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In Partial Fulfillment  
of the Requirements for the Degree  
Master of Arts  
in  
History

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by  
George "Matt" Patino  
May 2023

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May 2023

Approved by:

Marc Robinson, Committee Chair, History

Diana Johnson, Committee Member

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## ABSTRACT

During the latter half of the twentieth century, “dog whistle” rhetoric increasingly entered the common vernacular, normalized by politicians and media personalities. Initially, the terminology was ambiguous, but it became racially charged when the media started broadcasting images of African Americans alongside the “thug” label. This research explores how “dog whistles” were, in part, a neoconservative response to the liberal policies of President Lyndon B. Johnson and his “Great Society.”

This study explores how “Great Society” policies aimed to balance the liberal expansion of Civil Rights with neoconservative “law and order” policing strategies. This research also investigates how right-wing talk radio was used as a marketing tool to promote a neoconservative, paternalistic agenda which convinced the public to accept an expanded law enforcement presence in minority communities.

This research shows that the current lack of civility and decorum in public discourse resulted from neoconservative policies that began in the 1960s and expanded during the debates over the Violent Crime Control and Law Enforcement Act of 1994. In addition, this study examines how neoconservatives targeted crime prevention programs included in the Act, such as the Midnight Basketball League, using racially coded “dog whistles” to influence public opinion.

## ACKNOWLEDGEMENTS

I want to thank Dr. Marc Robinson and Dr. Diana Johnson for their guidance, reassurance, and assistance during the thesis process. Their insight and feedback have been invaluable.

I am indebted to Dr. Jeremy Murray for his dedication to the CSUSB History master's program. He has been a terrific resource and a patient sounding board throughout my post-graduate journey.

Finally, I am eternally thankful to my wife Traci and our children Noel, Jess, Savanna, and Jakob for their unwavering support.

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## METHODOLOGY

Much of the primary evidence for this study was gathered from the United States Congressional Record, the University of California, Santa Barbara's "American Presidency Project," and the Central Intelligence Agency's (CIA) Reading Room. Each of these repositories was accessed online. The Library of Congress maintains the Congressional Record, which includes transcripts of remarks and debates held on the House of Representatives and Senate floors. For example, when examining the introduction and discussions of the Violent Crime Control and Law Enforcement Act of 1994, the Congressional Record identified specific lawmakers' remarks in their full context. The "American Presidency Project," maintained by the University of California, Santa Barbara, is a collection of transcribed interviews, speeches, and remarks given by sitting U.S. Presidents since 1945. Finally, the CIA Reading Room houses documents declassified under the Freedom of Information Act (FOIA). The items archived in these collections provided this study with evidence of paternalism and racially coded messaging by politicians and academics.

Some of the terminology used in this research was defined using the Stanford Encyclopedia of Philosophy (SEP). In particular, the definition of *conservatism*, which reads, "based on...experience rather than reason...the ideal and the practical are inseparable...a modern political philosophy, [that]



exhibits...paternalism or authority, rather than freedom.”<sup>1</sup> Additionally, the SEP defines *paternalism*, as “the interference of a state or an individual with another person, against their will, and defended or motivated by a claim that the person interfered with will be better off or protected from harm.” In the theoretical sense, *paternalism* questions how irrational people should be treated.<sup>2</sup> The latter is relevant when examining how funding for crime prevention programs included in the Violent Crime Control and Law Enforcement Act of 1994—specifically the Midnight Basketball League—was debated.

Much of the secondary evidence for this study comes from several books written about the social and political climate of the 1990s. Two books offered much of the secondary research. First, Douglas Hartmann’s book *Midnight Basketball: Race, Sports, and Neoliberal Social Policy* examines how sports-based crime prevention programs—a hallmark of the Violent Crime Control and Law Enforcement Act of 1994—were considered for incorporation “into the domestic agenda” by federal officials.<sup>3</sup> Secondly, the book *Partisans* by Nicole Hemmer chronicled the neoconservative movement within the Republican party

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<sup>1</sup> Andy Hamilton, “Conservatism,” Stanford Encyclopedia of Philosophy (Stanford University, October 29, 2019), <https://plato.stanford.edu/entries/conservatism/>.

<sup>2</sup> Gerald Dworkin, “Paternalism,” Stanford Encyclopedia of Philosophy (Stanford University, September 9, 2020), <https://plato.stanford.edu/entries/paternalism/>.

<sup>3</sup> Douglas Hartmann, *Midnight Basketball: Race, Sports, and Neoliberal Social Policy* (Chicago: University of Chicago Press, 2016). 6.

during the 1990s. Particular attention is paid to Representative Newt Gingrich and his “Contract With America,” as well as to radio host Rush Limbaugh. Hemmer’s description of the relationship between Gingrich and Limbaugh shows how public opinion over funding specific crime prevention programs included in the Violent Crime Control and Law Enforcement Act of 1994 was shaped through a collaboration of politics and the media.

## ASSESSMENT OF LITERATURE

To analyze “dog whistle” racism in public policy, reviewing the existing scholarship in the field is essential. Several books and articles regarding racism embedded in public policy have been written by sociologists, philosophers, and lawyers, each contributing a unique perspective on the topic. Evaluating the existing literature regarding racially coded rhetoric, public policy, and political discourse is essential in understanding the evidence presented throughout this study.

In his book *Midnight Basketball: Race, Sports, and Neoliberal Social Policy*, Douglas Hartmann addresses the social critics who decried the shift from the “traditional,” “Republican motherhood” household to the two-income, working woman, latch-key kid homes of the 1970s.<sup>4</sup> The same critics blame higher divorce rates and increased numbers of children born outside of marriage—which forced more women into the workforce—further deteriorating the “traditional” family.<sup>5</sup> The shift away from the “traditional” family structure is noteworthy when considering that, as of 2016, less than thirty-nine percent of

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<sup>4</sup> According to the Bureau of Labor Statistics, since 1970, there has been an exponential increase in working women (and mothers) compared to previous decades. “Women in the Labor Force: A Databook: BLS Reports,” U.S. Bureau of Labor Statistics (U.S. Bureau of Labor Statistics, April 1, 2021), <https://www.bls.gov/opub/reports/womens-databook/2020/home.htm>.

<sup>5</sup> In 2014, the Pew Research Center reported that thirty-four percent of children lived in one-parent households. Gretchen Livingston, “Fewer than Half of U.S. Kids Today Live in a ‘Traditional’ Family,” Pew Research Center (Pew Research Center, May 30, 2020), <https://www.pewresearch.org/fact-tank/2014/12/22/less-than-half-of-u-s-kids-today-live-in-a-traditional-family/>.

African American children under eighteen live in a two-parent household, as opposed to sixty-nine percent of white children.<sup>6</sup> The racial disparity in “traditional” marriage and family structure is where conservative lawmakers and pundits placed blame for the cause of criminal activity among youths, especially African American males. Although some evidence suggests that conservative lawmakers were correct in their assessment, the broadcast media shaped public opinion concerning race, crime, and familial structure. From 1985 to 1991, the number of homicides among fifteen to twenty-four-year-olds increased by sixteen percent, and television news programs, following the “if it bleeds, it leads” mantra, started broadcasting images of homicide scenes from inner-city neighborhoods, usually with young minority males involved.<sup>7</sup>

Against the backdrop of urban, minority-based violent crime in 1986, G. Van Standifer launched the first Midnight Basketball League (MBL) in Prince George’s County, Maryland—just outside Washington, D.C.<sup>8</sup> During its peak, the MBL was praised as a positive influence on its participants and ridiculed by politicians as a fund-draining distraction. The climate and policies that formed

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<sup>6</sup> Zenitha Prince, “Census Bureau: Higher Percentage of Black Children Live with Single Mothers,” AFRO American Newspapers, January 25, 2022, <https://afro.com/census-bureau-higher-percentage-black-children-live-single-mothers/>.

<sup>7</sup> “Trends in Rates of Homicide -- United States, 1985-1994,” Centers for Disease Control and Prevention (Centers for Disease Control and Prevention, June 7, 1996), <https://www.cdc.gov/mmwr/preview/mmwrhtml/00042178.htm>.

<sup>8</sup> Douglas Hartmann, *Midnight Basketball: Race, Sports, and Neoliberal Social Policy* (Chicago: University of Chicago Press, 2016). 17.

and ultimately doomed the MBL are the focus of Douglas Hartmann's book, *Midnight Basketball: Race, Sports, and Neoliberal Social Policy*. Using sports as a vehicle for distraction and deliverance—in this case, basketball—was not a novel idea in 1986; the Young Men's Christian Association (YMCA), founded during the Industrial Revolution, included sports in its mission to encourage "people to reach their full potential."<sup>9</sup> The MBL, however, inspired sports policy experts and the federal government who "seriously considered the possibility that sport could be incorporated into the domestic agenda."<sup>10</sup> While crafting the Violent Crime Control and Law Enforcement Act of 1994 (H.R. 3355), Congressional Democrats—at President Bill Clinton's urging—included funding for the MBL and other sports-based crime prevention programs.<sup>11</sup> Republicans actively opposed the bill—specifically the crime prevention programs—and cultivated public support through the most vocal conservative pundit of the time, Rush Limbaugh. Hartmann's first question is why the MBL, which was due to receive a mere \$50 million from the \$33 billion bill, had been singled out from other sports-based crime prevention programs. In hindsight, the answer is quite clear, and A. Rafik Mohamed articulated the reason in his book *Black Men on the*

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<sup>9</sup> "Our History," YMCA of the USA, accessed July 1, 2022, <https://www.ymca.org/who-we-are/our-history>.

<sup>10</sup> Hartmann, *Midnight Basketball*. 6.

<sup>11</sup> House Resolution (H.R.) 3355 was introduced by Representative Jack Brooks of Texas on October 26, 1993. Hartmann, *Midnight Basketball*. 6.

*Blacktop: Basketball and the Politics of Race*; basketball is a Black Man's Game, and its identity is linked to race for a variety of reasons.<sup>12</sup>

It is not immediately apparent that Hartmann sought to write a book about racial coding and messaging, but it is where the narrative lands. As Tavis Smith notes in his review of *Midnight Basketball: Race, Sports, and Neoliberal Social Policy*, the book “begins with a historically—and politically-situated analysis of the midnight basketball phenomenon... [demonstrating the] sport's importance as a cultural force.”<sup>13</sup> Smith's assessment of the MBL as a “cultural force” is proven by the amount of media exposure it was given and the involvement of National Basketball Association (NBA) players and major corporate donors. As the MBL expanded beyond Maryland—eventually becoming the National Association of Midnight Basketball Inc. (NAMB)—with chapters nationwide, its “cultural force” also grew.<sup>14</sup> Given how the MBL was framed within the Violent Crime Control and Law Enforcement Act of 1994, it is impossible to ignore the “racial and cultural politics” of the moment, which Hartmann identifies as neoliberal social policy, using George Lipsitz's assertion that racial agendas are created by the privileged

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<sup>12</sup> A. Rafik Mohamed, *Black Men on the Blacktop: Basketball and the Politics of Race* (Boulder, CO: Lynne Rienner Publishers, Inc, 2017). 1,5.

<sup>13</sup> Tavis Smith, “Book Review: Midnight Basketball: Race, Sports, and Neoliberal Social Policy,” *International Review for the Sociology of Sport* 52, no. 6 (June 22, 2017): pp. 769-771, <https://doi.org/10.1177/1012690217715299>.

<sup>14</sup> Hartmann, *Midnight Basketball*. 19.

and usually based on skin tone.<sup>15</sup> In addition, Hartmann follows Jack Kemp's (Secretary of the Department of Housing and Urban Development, 1989-1993) definition of a public-private collaboration to find and administer social and welfare programs.<sup>16</sup> Conservative opponents of the Violent Crime Control and Law Enforcement Act's prevention programs cringed at the thought of a private-public collaboration when social programs could be either privatized for-profit or eliminated. In his review of *Midnight Basketball: Race, Sports, and Neoliberal Social Policy*, David Leonard understood the MBL as "a staging ground for recycling theories of black cultural pathology, justifying divestment and hyper policing, and otherwise blaming *black problems* on black bodies."<sup>17</sup> And, as Hartmann points out, the final version of the Violent Crime Control and Law Enforcement Act of 1994—which stripped funding from the MBL—endorsed by Congressional Republicans smacked of racial bias. This allegation was neither confirmed nor denied.<sup>18</sup>

The racial divide is where *Midnight Basketball: Race, Sports, and Neoliberal Social Policy* succeeds. The book is not an overarching historical,

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<sup>15</sup> Smith, "Book Review: Midnight Basketball," Hartmann, *Midnight Basketball*. 91.

<sup>16</sup> Hartmann, *Midnight Basketball*. 47-48.

<sup>17</sup> David Leonard, "Midnight Basketball: Race, Sports, and Neoliberal Social Policy by Douglas Hartmann," *American Journal of Sociology* 123, no. 5 (2018): pp. 1530-1533, <https://doi.org/10.1086/695878>.

<sup>18</sup> Hartmann, *Midnight Basketball*. 105.

political, or economic take on sports and race but a sociological look at where sports and race intersect. The book also makes an argument about institutionalized racism. At its peak, the MBL operated in high-crime, inner-city neighborhoods, which in the lexicon of the time meant “predominantly African American.” Had the program been focused on hockey in a bedroom-community suburb, would there have been the same level of opposition to its funding? The follow-up question should be, “Why sports?” There is a perception that sports—especially team sports—teach young people the importance of teamwork, integrity, sportsmanship, and respect, all of which are soft skills transferable to the working world. However, we are misled into thinking that sports programs are the only place where these values can be taught; as Hartmann posits in his conclusion, “perhaps...seeing sport and physical activity as ends to themselves for everyone, especially poor, marginalized kids in communities of color...would be the most radical analytical and political act of all.”<sup>19</sup>

Sports, even team sports, can be a very personal experience, and A. Rafik Mohamed uses an anecdote to open his book *Black Men on the Blacktop: Basketball and the Politics of Race*. His story begins on an early Saturday morning at an outdoor basketball court as players slowly arrive to play. From Mohamed’s description, this scene has unfolded several times, and the participants know their roles on “this” court. The “ballers” on “this” court in Culver City, California, play basketball differently than in Venice or Santa Monica. The

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<sup>19</sup> Hartmann, *Midnight Basketball*. 210.



game's rules are the same, but each neighborhood's weekend rituals are unique. The outdoor basketball courts in Culver City are part of the twenty-six "activity centers" offered to "inner-city youth...[as] meaningful alternatives to street life," and they serve as the backdrop for the chapter Mohamed calls "The Black Man's Game."<sup>20</sup>

Citing sports columnist Rick Telander, Mohamed calls basketball "the black man's game," and its identity is linked to race for very different reasons.<sup>21</sup> To Mohamed, basketball offers "a transitory departure from society's ordinary hierarchy...a rare arena...to earn a complete stranger's respect." To economist Thorstein Veblen, basketball—or recreational sports in general—are the "manifestations of the predatory temperament" of its participants.<sup>22</sup> The divided attitudes over basketball are emblematic of society's race issue. Basketball—whether formally organized through a recreation program in a gymnasium or informally occurring on a weekend morning on an outdoor blacktop court—gives young black men an opportunity to connect with other black men without the interference of society's racial issues.<sup>23</sup>

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<sup>20</sup> A. Rafik Mohamed, *Black Men on the Blacktop: Basketball and the Politics of Race* (Boulder, CO: Lynne Rienner Publishers, Inc, 2017). 1.

<sup>21</sup> Mohamed, *Black Men on the Blacktop*. 5.

<sup>22</sup> Mohamed, *Black Men on the Blacktop*. 5.

<sup>23</sup> Mohamed, *Black Men on the Blacktop*. 15.

The aspirational aspect of basketball is not lost on Mohamed; he recognizes that most National Basketball Association (NBA) players are African American.<sup>24</sup> According to a Bleacher Report article by Tony Sparks, seventy-one percent of NBA players are African American; OnLabor.org reports that sixty-seven percent of the Women's National Basketball Association (WNBA) players identify as African American or black.<sup>25</sup> For some players, recreational basketball leagues and pick-up games are a means of honing their skills in hopes of playing the game professionally. However, Mohamed contends that simply viewing amateur basketball as a stepping stone obscures the fact that one person's success indicates that the issues of systemic racism are resolved.<sup>26</sup> And success at the game's highest level does not always command a complete stranger's respect, as evidenced by a 2018 comment from Fox News host Laura Ingraham (a white woman) directed at NBA star LeBron James (an African American man) "It's always unwise to seek political advice from someone who gets paid \$100

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<sup>24</sup> Mohamed, *Black Men on the Blacktop*. 16.

<sup>25</sup> Troy Sparks, "NBA's Great American White Hope A Lost Cause," Bleacher Report (Bleacher Report, October 2, 2017), <https://bleacherreport.com/articles/397466-nbas-great-american-white-hope-a-lost-cause>., Ross Evans, "Demographics and Identity in the New WNBA-WNBPA CBA," OnLabor, May 15, 2020, <https://onlabor.org/demographics-and-identity-in-the-new-wnba-wnbpa-cba/>.

<sup>26</sup> Mohamed, *Black Men on the Blacktop*. 17.

million a year to bounce a ball...Shut up and dribble."<sup>27</sup> In 2020, Ingraham defended remarks made by National Football League (NFL) player Drew Brees (a white man) regarding protests over the George Floyd killing by saying, "I mean, he's a person...He has some worth, I would imagine...This is beyond football."<sup>28</sup>

As Douglas Hartmann notes in his review of *Black Men on the Blacktop*, the idea of basketball being a "black man's game" is not new, and the relationship between race and sports has been noted by journalists, culture critics, and scholars.<sup>29</sup> For example, certain assumptions regarding physical strength and athletic prowess are made in Mohamed's personal story in chapter five, "The Mandigo Syndrome." As a graduate student and the only African American male in his cohort, a classmate repeatedly invited Mohamed to join his intramural basketball team, sight unseen. This person's assumption about Mohamed's athleticism speaks to the deep-rooted ideas about black men and

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<sup>27</sup> Emily Sullivan, "Laura Ingraham Told LeBron James to Shut Up and Dribble; He Went to the Hoop," NPR (NPR, February 19, 2018), <https://www.npr.org/sections/thetwo-way/2018/02/19/587097707/laura-ingraham-told-lebron-james-to-shutup-and-dribble-he-went-to-the-hoop>.

<sup>28</sup> Des Bieler, "Lebron James, Told by Laura Ingraham to 'Shut Up and Dribble,' Calls Her Out Over Drew Brees," The Washington Post (WP Company, June 5, 2020), <https://www.washingtonpost.com/sports/2020/06/04/lebron-james-calls-out-laura-ingraham-over-drew-brees/>.

<sup>29</sup> Douglas Hartmann, "Black Men on the Blacktop: Basketball and the Politics of Race by A. Rafik Mohamed," *American Journal of Sociology* 124, no. 5 (2019): pp. 1583-1585, <https://doi.org/10.1086/701588>.

basketball.<sup>30</sup> On the opposite end of the spectrum regarding athleticism is the presumed lack of intelligence in black men, which Bruce Lee Hazelwood points out in his book review. Quoting Mohamed, Hazelwood writes, “bias...around black athleticism and participation in sports...devalues intellectual contributions of African Americans,” and he discusses how the blacktop is the only place where black men can reclaim their identity.<sup>31</sup>

Mohamed concludes by addressing the stark reality—obvious to some and oblivious to others—that society assigns certain expectations upon African Americans as entertainers or athletes, not philosophers or intellectuals. In addition, African Americans, particularly men, are seen as “bank robbers and crack slingers” through a more negative lens; but on the blacktop, black men resist stereotypes and reclaim their identities.<sup>32</sup>

Assuming certain traits or abilities based on skin tone may not be overtly discriminatory, but it is still racist. Conflicting and shifting definitions of “racism” show that the concept is nothing more than a social construct. According to the *Oxford English Dictionary*, the first recorded use of the word “racism” appeared in a speech given by Brigadier General Richard Henry Pratt in 1902,

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<sup>30</sup> Mohamed, *Black Men on the Blacktop*. 121-22.

<sup>31</sup> Bruce Lee Hazelwood, “Book Review: Black Men on the Blacktop: Basketball and the Politics of Race,” *International Review for the Sociology of Sport* 53, no. 6 (June 7, 2018): pp. 762-764, <https://doi.org/10.1177/1012690218780467>.

<sup>32</sup> Mohamed, *Black Men on the Blacktop*. 141, 166-67.

Segregating any class or race of people apart from the rest of the people kills the progress of the segregated people or makes their growth very slow. Association of races and classes is necessary to destroy racism and classism.<sup>33</sup>

Pratt's thoughts opposing racial segregation illustrate the uncertainty of race as a fixed paradigm. Ten years earlier, in 1892, General Pratt put forth his "Kill the Indian...save the man" philosophy during a speech to the National Conference of Charities and Correction in Denver, Colorado.<sup>34</sup> Such ambiguity about the concept of race is at the heart of Eduardo Bonilla-Silva's book, *Racism Without Racists: Color-Blind Racism and the Persistence of Racial Inequality in America*. Nobody—albeit with some exceptions—willingly admits their racism. People often call themselves "color-blind," which allows them to support individual racial equality while operating within systemically racist confines. Bonilla-Silva identifies these "color-blind" individuals as the "liberals and 'love and peace' hippies of the 1960s" who have since moved to the political right.<sup>35</sup> The "color-blind" attitude has manifested as a "new racism" perpetuating inequality through outwardly

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<sup>33</sup> Gene Demby, "The Ugly, Fascinating History of the Word 'Racism,'" NPR (NPR, January 6, 2014), <https://www.npr.org/sections/codeswitch/2014/01/05/260006815/the-ugly-fascinating-history-of-the-word-racism>.

<sup>34</sup> "Carlisle Indian School Digital Resource Center," "Kill the Indian in him, and save the man": R. H. Pratt on the Education of Native Americans | Carlisle Indian School Digital Resource Center, accessed June 15, 2022, <https://carlisleindian.dickinson.edu/teach/kill-indian-him-and-save-man-r-h-pratt-education-native-americans>.

<sup>35</sup> Eduardo Bonilla-Silva, *Racism without Racists Color-Blind Racism and the Persistence of Racial Inequality in America* (Lanham, MD: Rowman & Littlefield, 2022). xvi.

nonracial practices.<sup>36</sup> In her review of *Racism Without Racists*, Hyunjung Shin sees color-blind racism as “naturalized” in society—in her case, the classroom—thus perpetuating it.<sup>37</sup> Bonilla-Silva assigns the same meaning to “systemic,” institutional,” “color-blind,” and “new racism,” each sharing the same construction; whites—the dominant race—benefit from the racial hierarchy.<sup>38</sup>

The influence of the dominant class is essential not just in terms of race construction but in how race messaging is passed through the generations. Shin, a linguistics and Teaching English as a Second Language (TESOL) professor at the University of Saskatchewan, focused on the linguistic strategies Bonilla-Silva identifies in the book.<sup>39</sup> Whites dismiss policies like affirmative action as “preferential treatment” and segregation as a natural racial tendency to “gravitate toward likeness.”<sup>40</sup> Bonilla-Silva argues that such seemingly innocuous observations or comments serve as “proof” of a natural order that exists beyond the best efforts of individuals to break down racial barriers. The natural order, viewed through a color-blind lens, expects subservience regardless of rank. In a 2010 *Playboy Magazine* interview, philosopher and activist Cornel West said that

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<sup>36</sup> Bonilla-Silva. *Racism without Racists*. 3.

<sup>37</sup> Hyunjung Shin, “Racism without Racists: Color-Blind Racism and the Persistence of Racial Inequality in the United States,” *TESOL Quarterly* 40, no. 3 (September 1, 2006): 652, <https://doi.org/10.2307/40264552>.

<sup>38</sup> Bonilla-Silva. *Racism without Racists*. 9.

<sup>39</sup> Shin. “Racism without Racists.” 652.

<sup>40</sup> Bonilla-Silva. *Racism without Racists*. 82.

“by necessity, [President Barack] Obama has had to downplay his blackness to appease the white moderates and independents and speak to their anxieties.”<sup>41</sup> Both Bonilla-Silva and West point to the election of Barack Obama as a potential watershed moment in race relations, signaling an end to established racial dynamics. However, both were forced to accept a centrist politician with a tangential interest in addressing racial issues. In his review of *Racism Without Racists*, Hermon George Jr. questions Bonilla-Silva’s claim that Obama’s election elevated white Americans’ status.<sup>42</sup> How did Obama’s election to the U.S. presidency imply a shift in the race dynamics—at least symbolically—while also reinforcing black “otherness?”

Bonilla-Silva does demonstrate that merely referring to oneself as “color-blind” does not assuage inherently racist practices. As Michelle Alexander concludes in her book, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, attitudes and language embedded in our institutions allow racist policies to continue unchecked. Bonilla-Silva echoes Alexander when he mentions the “‘get tough’ attitude in law enforcement.”<sup>43</sup> When racially charged terms like “thug” or “super-predator” are coupled with race-neutral terms like

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<sup>41</sup> David Hochman, “Playboy Interview: Cornel West,” *Playboy*, August 2010, 36.

<sup>42</sup> Hermon George Jr. “Racism without Racists: Color-Blind Racism, and Racial Inequality in Contemporary America.” *Western Journal of Black Studies* 37, no. 1 (Spring, 2013): 63-67.

<sup>43</sup> Bonilla-Silva. *Racism without Racists*. 58.

“basketball” or “inner-city,” the implication is intended. Racism is so tightly woven into our national fabric that it is overlooked, and without a conscious effort to recognize it, underlying biases prevail.

Such inherent prejudices often present themselves when issues of criminality arise. On October 26, 1993, Representatives Jack B. Brooks (D-TX) and Charles E. Schumer (D-NY) introduced House Resolution 3355.<sup>44</sup> A few days later, on November 1, 1993, Senator Joseph R. Biden Jr. (D-DE) introduced Senate Bill 1607.<sup>45</sup> These Congressional bills became the Violent Crime Control and Law Enforcement Act of 1994. Initially, the bills were met with bipartisan support as Senators Kent Conrad (D-ND), Joseph I. Lieberman (D-CT), Orrin G. Hatch (R-UT), and Representative William J. Hughes (D-NJ) signed on as co-sponsors. The bills, introduced as amendments to the 1968 Omnibus Crime Control and Safe Streets Act, were intended to improve the relationship between law enforcement agencies and the community to prevent crime.<sup>46</sup> However, the debates over the bills became contentious and politically charged as both sides positioned themselves as the “law and order” party.

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<sup>44</sup> “H.R.3355 - 103rd Congress (1993-1994): Violent Crime Control and Law Enforcement Act of 1994,” Congress.gov, accessed June 9, 2022, <https://www.congress.gov/bill/103rd-congress/house-bill/3355>.

<sup>45</sup> “S.1607 - 103rd Congress (1993-1994): Violent Crime Control and Law Enforcement Act of 1994,” Congress.gov, accessed June 9, 2022, <https://www.congress.gov/bill/103rd-congress/senate-bill/1607>.

<sup>46</sup> H.R.3355 - 103rd Congress, S.1607 - 103rd Congress



As early as the 1950s, “law and order” became part of the racially coded language deployed by government and law enforcement officials in Southern states to instigate white opposition to the Civil Rights Movement.<sup>47</sup> In her book *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, Michelle Alexander argues how a seemingly race-neutral term like “law and order” appealed to “old racist sentiments [especially when] accompanied by a political movement.”<sup>48</sup> Alexander focuses the attention of *The New Jim Crow* upon the “War on Drugs” and the subsequent increase in the prison population of African Americans and other minority groups. Citing Marc Mauer, Alexander points out that over thirty years (1973-2003), the inmate population rose from “300,000 to more than 2 million,” most of whom were convicted of drug-related offenses.<sup>49</sup> The “War on Drugs” launched by President Richard M. Nixon in 1971 expanded the size and scope of federal drug enforcement agencies, created mandatory minimum sentencing, and approved “no-knock” warrants.<sup>50</sup> It also interjected racially and politically coded messaging into the mainstream. According to John Ehrlichman, a Nixon aide, the administration formulated a plan to associate marijuana with the antiwar movement and heroin with African Americans.

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<sup>47</sup> Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: New Press, 2020). 50.

<sup>48</sup> Alexander, *The New Jim Crow*. 50.

<sup>49</sup> Alexander, *The New Jim Crow*. 7.

<sup>50</sup> “A Brief History of the Drug War,” Drug Policy Alliance (Drug Policy Alliance, 2020), <https://www.drugpolicy.org/issues/brief-history-drug-war>.

Possession of Schedule I Controlled Substances (marijuana and heroin in this case) was a felony offense and carried lengthy prison sentences. As part of the “law and order” movement, the Nixon administration seized the opportunity to publicize and justify police raids, even broadcasting them on television news programs.<sup>51</sup>

During the 1980s, the media furthered racially coded messaging by showing African American “crack whores,” “crack dealers,” and “crack babies,” which only exacerbated negative stereotypes.<sup>52</sup> To Alexander’s point, the racial undertones of the “law and order” language and actions created a caste system that replaced the “old” Jim Crow hierarchy. Instead of outwardly racial terminology, African Americans and other minority groups were seen as “criminals.”<sup>53</sup> Even though white youth are more likely to be involved in drugs, their conviction rate is significantly lower than that of minority offenders, and by applying the “criminal” label, the new caste system can operate through racial indifference.<sup>54</sup> Early North American settlers brought an interpretation of English law and the practice of exile or banishment of criminals. The accepted ostracism of the criminal class is what Alexander points to as the foundation of the “new” Jim Crow system. Society does not question or challenge the system that

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<sup>51</sup> Drug Policy Alliance, “A Brief History.”

<sup>52</sup> Alexander, *The New Jim Crow*. 6.

<sup>53</sup> Alexander, *The New Jim Crow*. 2.

<sup>54</sup> Alexander, *The New Jim Crow*. 8, 17.

continues to “banish” criminals after serving their sentences. Ex-convicts openly face housing and employment discrimination, are denied benefits, and are prevented from civic responsibility (i.e., voting and jury service).<sup>55</sup>

In his review of *The New Jim Crow*, Robert Costello acknowledges Alexander’s passion for the topic as she “simultaneously renews and advances the debate about race in America.”<sup>56</sup> Costello does take issue with the book because it lacks statistical evidence to support Alexander’s argument. However, he acquiesces that Alexander is a lawyer turned activist, and this book is meant to present her case through legal rhetoric. Alexander’s view—as neither a social scientist nor historian—of mass incarceration in the United States is necessary when confronting the topic. By her admission, Alexander limited her focus to African American male prisoners only, leaving women and other minority groups out of this conversation.<sup>57</sup> By concentrating on African American men, Alexander better articulates her argument that mass incarceration has created a new caste system reminiscent of the Jim Crow era.

The strength of *The New Jim Crow* comes from identifying the racial coding and messaging embedded in our public systems—notably criminal

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<sup>55</sup> Alexander, *The New Jim Crow*. 2.

<sup>56</sup> Robert Costello, "Mass Incarceration is the New Jim Crow." *Crime, Law and Social Change* 55, no. 1 (02, 2011).  
<http://libproxy.lib.csusb.edu/login?url=https://www.proquest.com/scholarly-journals/mass-incarceration-is-new-jim-crow/docview/854571415/se-2?accountid=10359>.

<sup>57</sup> Alexander, *The New Jim Crow*. 19.

justice—and how our unconscious biases are triggered. One important term that gained popularity in the 1990s was “super-predator,” coined by political scientist John Dilulio Jr.; it became a Republican talking point during the debates over the 1994 Crime Bill. The political right weaponized the seemingly race-neutral phrase and, once deployed by the media, came to identify youths from “black inner-city neighborhoods.”<sup>58</sup> By banishing criminals (super-predators, crack dealers, or thugs), society dismisses minorities (most of the prison population), thus proving Michelle Alexander’s point that a new racially-based caste system has been created to replace the “old” Jim Crow.

“Super-Predator” and other racially coded “dog whistles” found their way to broadcast media, and one “shock jock” used them to separate himself from his contemporaries on AM radio. Michael Arkush presents a brief biography of the 1990s most prolific “shock jock,” Rush Limbaugh, in his book *Rush!* Arkush successfully portrays Limbaugh as a “man [who] met the moment” and how his rise to radio stardom benefitted him and his neoconservative political allies. The 1994 midterm elections resulted in the Republican Party taking control of Congress for the first time in forty years. During the campaign, the GOP (Grand Old Party), led by future Speaker of the House Newt Gingrich, introduced his “Contract with America,” a document that outlined the party’s agenda based on neoconservative policies. Included in the document was anti-crime rhetoric that

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<sup>58</sup> John Dilulio, “The Coming of the Super-Predators,” *The Weekly Standard*, November 27, 1995, <https://www.washingtonexaminer.com/weekly-standard/the-coming-of-the-super-predators>.

increased federal spending for prison construction and law enforcement budgets. The political points of the “Contract with America” were sold to the public through a media campaign spearheaded by Rush Limbaugh.

Arkush depicts Limbaugh as the “odd man out” of his family, a long line of attorneys, jurists, and talented public speakers with a deep connection to Missouri’s Republican Party.<sup>59</sup> Limbaugh was more interested in baseball and radio than politics, much to the chagrin of his father, who wrote off the younger Limbaugh’s attempts at a broadcasting career as youthful folly. Limbaugh did inherit the family’s public speaking talent and, coupled with his love for radio, managed to land jobs as a disc jockey. However, introducing popular records was not what Limbaugh envisioned his career to be. Arkush describes Limbaugh as an undeniably charismatic force on the radio but an uncomfortably insecure man pining for validation in public. In 1983 Limbaugh found some local success at KMBZ in Kansas City, Kansas, where his controversial persona began taking shape.<sup>60</sup> Limbaugh also re-discovered politics, but as opposed to his family members, he milked political issues for their shock value. The National Organization of Women (NOW) labeled him a “sexist,” and letters to the editor of the *Kansas City Star* chided KMBZ for Limbaugh’s discrimination of blacks and women.<sup>61</sup>

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<sup>59</sup> Michael Arkush, *Rush!* (New York: Avon Books, 1993). 1-15.

<sup>60</sup> Arkush, *Rush!* 81-83.

<sup>61</sup> Arkush, *Rush!* 84-88.

In 1984, the backlash led to Limbaugh's firing, but he was quickly hired at KFBK in Sacramento, California, where he honed his bombastic style.<sup>62</sup> He spent the next few years attacking liberal causes (i.e., feminism, animal rights, and nuclear disarmament) while solidifying his conservative credentials. Limbaugh's popularity on Sacramento's airwaves and word of mouth within the radio industry made the move from local curiosity to national prominence inevitable. On August 1, 1988, Rush Limbaugh launched the Excellence in Broadcasting Network (EIB), and his show debuted on fifty-six radio stations across the country, with WABC-AM, New York (EIB's broadcast home), the only top ten market outlet.<sup>63</sup> By 1992, *The Rush Limbaugh Show* reached over four hundred radio stations. According to Arbitron, a broadcast rating service, his core audience was white males between twenty-five and fifty-four, the most significant demographic in the Republican party.<sup>64</sup>

Arkush puts together a narrative that explains how Rush Limbaugh became the unofficial spokesperson for the GOP and Newt Gingrich's "Contract with America." With his familial roots in Cape Girardeau, Missouri dating to the late-1800s and conservative pedigree, only Limbaugh could sell the newest

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<sup>62</sup> Arkush, *Rush!* 97, 106.

<sup>63</sup> Arkush, *Rush!* 160.

<sup>64</sup> Arkush, *Rush!* 198., "14. Demographics and Lifestyle Differences among Typology Groups," Pew Research Center - U.S. Politics & Policy (Pew Research Center, January 24, 2022), <https://www.pewresearch.org/politics/2021/11/09/demographics-and-lifestyle-differences-among-typology-groups/>.

iteration of the Republican Party. Limbaugh's talent for public speaking allowed him to broadcast "dog whistles" as entertainment, and Limbaugh deployed these tactics when talking about the Midnight Basketball League, a social program that came under fire during the debates over the Violent Crime Control and Law Enforcement Act of 1994.

Rush Limbaugh's success on radio normalized racially coded "dog whistles." The "echo chamber" created by Newt Gingrich's policies and Rush Limbaugh's diatribes validated the feelings of some "angry white men." Their rage was felt at the violent August 2017 "Unite the Right" rally in Charlottesville, Virginia. White Nationalists chanted, "One People. One Nation. End to Immigration," and "You. Will Not. Replace Us," while counter-protesters chanted, "No Nazis. No KKK. No fascist USA."<sup>65</sup> The rally turned deadly when a car drove into the counter-protesters, killing one.<sup>66</sup> When President Donald Trump was asked about the incident during a press conference, he commented that there were "very fine people" involved:

Reporter: "The neo-Nazis started this. They showed up in Charlottesville to protest --"

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<sup>65</sup> Reece Jones, *White Borders: The History of Race and Immigration in the United States from Chinese Exclusion to the Border Wall* (Boston: Beacon Press, 2021). ix.

<sup>66</sup> "Unite the Right Rally in Charlottesville Timeline," Facing History and Ourselves, accessed July 18, 2022, [https://www.facinghistory.org/sites/default/files/Unite\\_the\\_Right\\_Rally\\_in\\_Charlottesville\\_Timeline.pdf](https://www.facinghistory.org/sites/default/files/Unite_the_Right_Rally_in_Charlottesville_Timeline.pdf).

Trump: "Excuse me, excuse me. They didn't put themselves -- and you had some very bad people in that group, but you also had people that were very fine people, on both sides."<sup>67</sup>

The Charlottesville incident sets the stage for Reece Jones' argument in *White Borders: The History of Race and Immigration in the United States from Chinese Exclusion to the Border Wall*. Trump's response should have been expected; he telegraphed as much when announcing his candidacy for President, "the U.S. has become a dumping ground for everybody else's problems...when Mexico sends its people...they're bringing drugs...they're rapists."<sup>68</sup> Although immigration is a frequent topic in the national political debate, race is usually considered a political third rail. However, as Jones points out, then-candidate Trump often repeated the "Nixon-era racial dog whistle of 'law and order'" during his stump speeches.<sup>69</sup>

Even the most casual observer of national politics of late recognizes that race has become a wedge issue, further dividing an already fractured populous. The deep roots of racism in the United States' domestic policy are less apparent. Jones uses the Chinese Exclusion Act of 1882 to mark the beginning of the country's obsession with white nationhood. For several years after the nation's

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<sup>67</sup> Angie Drobnic Holan, "Politifact - in Context: Donald Trump's 'Very Fine People on Both Sides' Remarks (Transcript)," Politifact, April 26, 2019, <https://www.politifact.com/article/2019/apr/26/context-trumps-very-fine-people-both-sides-remarks/>.

<sup>68</sup> Jones, *White Borders*. 2.

<sup>69</sup> Jones, *White Borders*. 3.



founding, Western European immigrants arrived with little resentment, but when the Chinese migrated to California during the Gold Rush, Americans moved quickly to stop the influx.<sup>70</sup> Racist rhetoric toward the Chinese comes across as “of the time,” but Jones argues that it was only muted. White Nationalism found a voice through right-wing media personalities like Lou Dobbs and Steve Bannon, which emboldened then-candidate Trump to say aloud what was previously said in hushed tones.<sup>71</sup> Jones spends the midsection of his book on the pseudoscience of eugenics and the social construct of race, and he tells how influential figures like Presidents Herbert Hoover and Theodore Roosevelt gave legitimacy to the racist theories.<sup>72</sup> Trump’s racist “dog-whistles” and outward rants are no surprise in the larger context presented by Jones.

In his review of *White Borders: The History of Race and Immigration in the United States from Chinese Exclusion to the Border Wall*, Jacob Sherman praises Jones for describing the federal government’s tentative approach toward immigration policy. However he notes that the U.S. Supreme Court and wealthy private companies have steered public policy based on racist ideas, sometimes

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<sup>70</sup> Jones, *White Borders*. 7.

<sup>71</sup> Jones, *White Borders*. 8.

<sup>72</sup> Jones, *White Borders*. 51-57.

in cooperation with “White supremacist organizations.”<sup>73</sup> The dichotomy of policy and practice is where Jones best describes the “existential threat to the white character of the country” felt by White Nationalists.<sup>74</sup>

Thomas Jefferson helped write “all men are created equal” in the Declaration of Independence while holding enslaved Africans. President Harry Truman spoke to the National Association for the Advancement of Colored People (NAACP) about equality stating that “there is no justifiable reason for discrimination because of ancestry. Or race, or color.”<sup>75</sup> At the same time, his Commission on Migratory Labor bemoaned “the magnitude of wetback traffic” when referring to Mexican workers.<sup>76</sup> The men may not have been racists, but the system is, and the officials charged with effecting change have neglected their duties.

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<sup>73</sup> Jacob Sherman. 2021. “White Borders: The History of Race and Immigration in the United States from Chinese Exclusion to the Border Wall.” *Library Journal* 146 (10): 96. <https://search-ebshost-com.libproxy.lib.csusb.edu/login.aspx?direct=true&db=aph&AN=152528822&site=ehost-live>.

<sup>74</sup> Jones, *White Borders*. 192.

<sup>75</sup> Lacey Helmig, “Historic Speeches: Truman Addresses the NAACP,” Truman Library Institute, July 8, 2016, <https://www.trumanlibraryinstitute.org/historic-speeches-naacp/#:~:text=Every%20man%20should%20have%20the,trial%20in%20a%20fair%20court>.

<sup>76</sup> Jones, *White Borders*. 193.

## CHAPTER ONE

### FROM SCHOLARS TO THUGS, 1959-1990

*Nostalgia, that's what we want...: the good ol' days, when we gave 'em hell.*

*When the buck stopped somewhere, and you could still buy something with it.*

*To a time when movies were in black and white, and so was everything else.*

- Gil Scott Heron, 'B' Movie

#### Introduction

In a representative democracy, it is assumed that presidents behave in the public's best interest. But unfortunately, latent biases and vague assumptions sometimes tarnish the best intentions of the elites who choose to serve the public. American presidents generally have elite backgrounds; for example, Theodore Roosevelt came from a wealthy New York family that traced its American roots back to the seventeenth century; and Woodrow Wilson grew up in the Confederate state of Georgia, the son of a prominent pro-slavery Presbyterian minister. Roosevelt's and Wilson's life lessons certainly shaped their paternalistic attitudes toward the non-elite masses, as did the experiences of other elite scholars, scientists, and elected officials. For example, Roosevelt considered himself "one of the 'better class' of people," As a "Knickerbocker Aristocrat," he enjoyed the luxury of private "tutors, servants, and European travel."<sup>77</sup> Roosevelt actively chose not to associate with anyone outside his social

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<sup>77</sup> Kathleen M. Dalton, "Theodore Roosevelt, Knickerbocker Aristocrat," *New York History* 67, no. 1 (1986): 43, <http://www.jstor.org/stable/23178766>.

circle, preferring the company of the Stuyvesant, Van Rensselaer, and Schermerhorn families. Roosevelt also perpetuated his father's "model of *noblesse oblige*" through philanthropy and "moral stewardship toward the less fortunate."<sup>78</sup> Roosevelt taught Sunday School, hosted dinners for striking newsboys, and served on charitable organization boards. Yet, he distanced himself from those he served.<sup>79</sup> Wilson's biases were manifested through racist ideology. Wilson's father justified slavery as a biblical teaching and used his church as a hospital for wounded Confederate soldiers during the American Civil War.<sup>80</sup> As Princeton University president, Wilson actively denied admission to black students. As President of the United States, Wilson tacitly encouraged a policy of segregation in the federal government, claiming it "was for the comfort and best interests of both blacks and whites."<sup>81</sup>

Over the course of the twentieth century, the elite's biases and assumptions (primarily about race) shifted from overt statements to hushed tones and coded rhetoric. New societal norms no longer accepted overtly racist language, so the new elites adopted "dog whistles." When spoken aloud, the

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<sup>78</sup> Dalton, "Theodore Roosevelt, Knickerbocker Aristocrat," 41.

<sup>79</sup> Dalton, "Theodore Roosevelt, Knickerbocker Aristocrat," 43-44.

<sup>80</sup> Bruce Bartlett, "Woodrow Wilson Was Even More Racist Than You Thought," *The New Republic*, July 6, 2020, <https://newrepublic.com/article/158356/woodrow-wilson-racism-princeton-university>.

<sup>81</sup> Bartlett, "Woodrow Wilson Was Even More Racist Than You Thought."

double-entendres allowed politicians, media personalities, and the masses (who sought to emulate the upper class) to weaponize language and maintain class division.

This thesis will examine how elitist paternalistic attitudes coupled with racially coded language have impacted twentieth-century U.S. public policy—specifically the Violent Crime Control and Law Enforcement Act of 1994. Moreover, this thesis will emphasize how debates over funding for sports-based crime prevention programs, like the Midnight Basketball League, played a significant role in policy debates.

This first chapter of the thesis establishes a foundation for this project by explaining how words and actions can contradict their message. For example, elite-driven efforts to improve the conditions of the underprivileged reflect ingrained elitist attitudes that perpetuate social inequality because of an “unspoken” desire to leave established hierarchies—ethnic and racial—in place. This first chapter also examines Dr. Harry J. Carman’s “Committee to Salvage Talent,” President Lyndon B. Johnson’s “Great Society,” and Senator Barry Goldwater’s neoconservative movement to illustrate paternalistic and racist attitudes and how they shaped policy proposals.

The second chapter details the Midnight Basketball League and describes the history of sports-based crime prevention programs. The chapter continues the narrative that public words and private actions often need to be more consistent regarding public policy. For instance, the accolades delivered by

President George H. W. Bush upon Midnight Basketball do not align with his push to privatize the league—and other sports-based crime prevention programs—through the Nike Corporation.

The third chapter documents the Congressional debates over funding social welfare and sports-based crime prevention programs within the Violent Crime Control and Law Enforcement Act of 1994. The chapter notes how the paternalistic attitudes and racially coded language of these specific debates is rooted in the societal changes of the 1960s. Examining the political shift from President Johnson’s liberal “Great Society” to Senator Goldwater’s neoconservative “tough on crime” stance shows a throughline of paternalism and racism becoming evident in the relationship between the 1960s and 1990s crime policies.

The fourth chapter focuses on Representative Newt Gingrich and radio personality Rush Limbaugh, who pushed the Congressional debates over the Violent Crime Control and Law Enforcement Act of 1994 into the public sphere and encouraged paternalistic and racially coded language. Gingrich and Limbaugh succeeded in making sports-based crime prevention programs a wedge issue that divided the non-elite masses and solidified an elitist hierarchy eager to return to a time before President Franklin Roosevelt’s New Deal.

#### Presumptions and Classifications

The Stanford Encyclopedia of Philosophy (SEP) defines paternalism as,

The interference of a state or an individual with another person, against their will, and defended or motivated by a claim that the

person interfered with will be better off or protected from harm. The issue of paternalism arises with respect to restrictions by the law, such as anti-drug legislation, the compulsory wearing of seatbelts, and in medical contexts by the withholding of relevant information concerning a patient's condition by physicians. At the theoretical level, it raises questions of how persons should be treated when they are less than fully rational.<sup>82</sup>

By empowering scholars, scientists, entrepreneurs, military heroes, and politicians at the beginning of the twentieth century, the populace granted the elite class license to impose their paternalism. As a result, the elite paternalistic attitudes formed during the early part of the twentieth century were honed by mid-century and ingrained in public discourse by the 1980s and 1990s. This chapter provides a foundational understanding of the dominant paternalistic attitude that assumes underprivileged classes cannot achieve self-determination. Beyond economic and academic class biases, this prevailing attitude expressed racial assumptions in less overt messaging by the late twentieth century. The men and women of the elite class imposed their values upon the non-elites to ostensibly protect the irrational masses from self-harm.

One example of elite paternalism occurred on November 4, 1959, when Harry J. Carman, a respected historian and Dean Emeritus of Columbia University, sent a letter to Allen Dulles, Director of the Central Intelligence Agency (CIA), Marian Anderson, an African American Opera singer, Branch Rickey, Major League Baseball (MLB) Executive, and Senator John F. Kennedy

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<sup>82</sup> Gerald Dworkin, "Paternalism," Stanford Encyclopedia of Philosophy (Stanford University, September 9, 2020), <https://plato.stanford.edu/entries/paternalism/>.

(D-MA) soliciting donations for the Committee to Salvage Talent.<sup>83</sup> The inclusion of Branch Rickey and John F. Kennedy was noteworthy; Rickey signed Jackie Robinson to an MLB contract, thus breaking the sport's "color barrier," and as President, Kennedy initiated legislation that became the Civil Rights Act of 1964, promoting racial equality.

Carman acknowledged that higher education, especially from an Ivy League institution, is an invaluable asset for any student and of even greater value to someone from a lower socio-economic status. However, he noted that "not enough underprivileged boys and girls take advantage of our theoretically equal opportunity for higher education."<sup>84</sup> Carman said that the most significant "underprivileged" group was African Americans ("Negroes"), and the disadvantages they faced were the result of "poverty and ignorance at home, degraded neighborhoods, poor educational facilities, limited job opportunities and the ever-present fear of rebuff."<sup>85</sup> Citing the success of more than 6000 African American students—assisted through the National Scholarship Service and Fund for Negro Students (NSSFNS)—Carman sought more funding from the letter's addressees. Unfortunately, Dulles declined the invitation based on his policy of

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<sup>83</sup> "Letter to Harry J. Carman from Allen W. Dulles," Central Intelligence Agency (Central Intelligence Agency, March 10, 2003), <https://www.cia.gov/readingroom/document/cia-rdp80r01731r000200070010-6>.

<sup>84</sup> "Letter to Harry J. Carman."

<sup>85</sup> "Letter to Harry J. Carman."



“non-participation in any non-governmental committee” while serving as CIA Director, and there is no evidence that any of the addressees responded to Carman’s request to solicit donations for the NSSFNS or that the Committee to Salvage Talent accomplished its intended goal.<sup>86</sup>

Although Harry Carman includes Mexican and Puerto Rican children among the “underprivileged” class, his memorandum focuses on African Americans. The vernacular of the time expressed by the “privileged” Dean of an Ivy League University indicates the national beliefs regarding African Americans (Negroes). Stating that African American homes are more prone to house “ignorance” is the type of assumption that divides. Only five years removed from the *Brown v. Board of Education* (1954) decision, Carman’s paternalism is evident in noting that African Americans were subjected to “poor educational facilities,” which prevented them from pursuing higher education. Despite his position at Columbia University—and his invitation to Branch Rickey et al.—Carman chose to “throw money” at the “complex” issue instead of following the lead of a Harvard Admissions Officer who worked with local educators to guide African Americans into the collegiate ranks.<sup>87</sup>

It is hopeful to note that Harry Carman does not equate intelligence with education in his appeal, showing that his Committee to Salvage Talent was

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<sup>86</sup> “Letter to Harry J. Carman.”

<sup>87</sup> “Letter to Harry J. Carman.”

sincere in its attempt to identify minorities with an aptitude for higher education. Intelligence Quotient (IQ) tests, designed by Henry Goddard and Lothrop Stoddard in the early twentieth century, indicated a difference based on race. In 1924, Stoddard reported to Congress that over forty-six percent of African Americans (Negroes) from northern states and seventy-five percent from the South showed “inferior intelligence.”<sup>88</sup> However, as Joseph Graves and Alan Goodman report in their book, *Racism, Not Race: Answers to Frequently Asked Questions*, earlier IQ determinations do not account for “genetic influence on cognitive function...environmental factors [that] influence brain function, such as nutritional state, exposure to neurotoxins such as lead, and infectious disease.”<sup>89</sup> Carman’s reference to “degraded neighborhoods” bears in mind environmental conditions, and his outreach effort suggests that higher education is related to future socioeconomic position. Regardless of Goddard and Stoddard’s “findings,” Carman’s actions demonstrate a willingness to extend opportunities that did not previously exist. Unfortunately, Carman’s less-than-holistic approach proved to be a paternalistic exercise.

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<sup>88</sup> Joseph L. Graves and Alan H. Goodman, *Racism, Not Race: Answers to Frequently Asked Questions* (New York: Columbia University Press, 2022). 135-136.

<sup>89</sup> Graves and Goodman, *Racism, Not Race*. 136.

Several years after Carman's initiative, on May 22, 1964, President Lyndon B. Johnson (D-TX) addressed the University of Michigan's graduating class and introduced the hallmark of his social policy agenda. Johnson said,

The Great Society rests on abundance and liberty for all. It demands an end to poverty and racial injustice, to which we are totally committed in our time. But that is just the beginning. The Great Society is a place where every child can find knowledge to enrich his mind and to enlarge his talents.<sup>90</sup>

The first step to implementing Johnson's "Great Society" was to declare a "War on Poverty," and Johnson tapped the Director of the Peace Corps, Sargent Shriver, to lead the effort.<sup>91</sup> Shriver previously worked at the Justice Department on a program to decrease juvenile delinquency through cooperation between "social workers, teachers, parents, and churches."<sup>92</sup> Shriver established an office "to provide stimulation and incentive for urban and rural communities to mobilize their resources to combat poverty."<sup>93</sup>

Sargent Shriver's enthusiasm was tempered by detractors who saw the "War on Poverty" as political theater. Establishing the Volunteers in Service to America (VISTA), the Job Corps, or the Youth Corps through the "Great Society"

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<sup>90</sup> Lyndon B. Johnson, "Remarks at the University of Michigan," The American Presidency Project, May 22, 1964, <https://www.presidency.ucsb.edu/documents/remarks-the-university-michigan>.

<sup>91</sup> Amity Shlaes, *Great Society: A New History* (New York: Harper, 2019). 101.

<sup>92</sup> Shlaes, *Great Society*.102.

<sup>93</sup> Shlaes, *Great Society*.103.

program made for good newspaper copy but did little to earn financial support from Congress. Critics denounced Shriver's appointment to the post, claiming he knew "nothing of poverty."<sup>94</sup> Michael Harrington—the socialist author whose book, *The Other America*, is credited with influencing Lyndon Johnson's "Great Society" program—took issue with Shriver's capitalist approach to ending poverty.<sup>95</sup> Instead of "pockets of poverty," Shriver's team opted to use the term "targets of opportunity," and he proposed "a real American chance."<sup>96</sup> Johnson and Shriver's language in promoting the Great Society was tailored to appease the American voter. Estimates for an employment program incorporating VISTA, the Job Corps, or the Youth Corps were as high as \$5 billion. It was suggested that funding could come from a cigarette tax, but Johnson could not sell the idea politically.<sup>97</sup>

Poverty was not the only issue President Lyndon Johnson faced. A riot in Harlem, touched off by the killing of a fifteen-year-old African American by the New York Police Department (NYPD), started over 250 cases of civil disturbance

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<sup>94</sup> Sargent Shriver was born into a wealthy family. Shlaes, *Great Society*.105.

<sup>95</sup> Shlaes, *Great Society*.105.

<sup>96</sup> Shlaes, *Great Society*.105.

<sup>97</sup> Shlaes, *Great Society*.105.

between blacks and police during Johnson’s presidency (1963-1969).<sup>98</sup> The “long, hot summer of 1967” saw the worst racial unrest. On July 12, 1967, John Smith, an African American taxi driver, was assaulted by white Newark, New Jersey police officers. The incident resulted in a four-day riot that claimed the lives of twenty-six people and injuries to hundreds more. On July 23, 1967, a Detroit police raid on an after-hours bar ignited a five-day rampage that killed forty-three.<sup>99</sup> In response to the turmoil, President Johnson signed Executive Order 11365 on July 28, 1967, authorizing the creation of the National Advisory Commission on Civil Disorders (the Kerner Commission).<sup>100</sup>

The Kerner Commission—named after its chairperson, Governor Otto Kerner Jr. (D-IL)—reported its findings in 1968. In response to the President’s queries—what happened, why did it happen, and what can be done to prevent it from happening again? —the Commission made a startling conclusion, “our Nation is moving toward two societies, one black, one white—separate and unequal.”<sup>101</sup> The Commission made three recommendations, “mount programs on a scale equal to the dimension of the problems; aim these programs for high

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<sup>98</sup> Elizabeth Hinton, “‘A War within Our Own Boundaries’: Lyndon Johnson’s Great Society and the Rise of the Carceral State,” *Journal of American History* 102, no. 1 (June 2015): 100, <https://doi.org/10.1093/jahist/jav328>.

<sup>99</sup> Jelani Cobb and Matthew Guariglia, *The Essential Kerner Commission Report* (New York: Liveright Publishing Corporation, 2021). xv.

<sup>100</sup> Cobb and Guariglia, *The Essential Kerner Commission Report*. xv.

<sup>101</sup> Cobb and Guariglia, *The Essential Kerner Commission Report*. 7.

impact in the immediate future...to close the gap between promise and performance; [and] undertake new initiatives and experiments that can change the system of failure and frustration that now dominates the ghetto and weakens our society.”<sup>102</sup> The Commissioners accepted that meeting their recommendations meant considerable federal funding and political support. Still, it required the general acceptance that “white society is deeply implicated in the ghetto. White institutions created it, white institutions maintain it, and white society condones it.”<sup>103</sup> The civil unrest overshadowed the accomplishments of Johnson’s Great Society; the Housing and Urban Development (HUD) Act, the Voting Rights Act, Job Corps, Head Start, Youth Opportunity Centers, and the Law Enforcement Assistance Act.<sup>104</sup> Political opponents and emerging neoconservatives pressured Johnson to restore “law and order,” which shifted his “War on Poverty” to a “War on Crime.”<sup>105</sup>

On February 7, 1968, President Johnson signed Executive Order 11396, which allowed the U.S. Attorney General to coordinate federal law enforcement

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<sup>102</sup> Cobb and Guariglia, *The Essential Kerner Commission Report*. 8.

<sup>103</sup> Cobb and Guariglia, *The Essential Kerner Commission Report*. 7-8.

<sup>104</sup> The Law Enforcement Assistance Act established federal control over local policing. Hinton, “A War within Our Own Boundaries,” 101.

<sup>105</sup> Hinton, “A War within Our Own Boundaries,” 102.

and crime prevention programs.<sup>106</sup> In his remarks during the signing ceremony, Johnson noted the number of young people “labeled with a criminal record” and the “dangerous new threat...of drug addiction.” He also declared that state and local governments were responsible for “securing public order” beyond federal intervention.<sup>107</sup> Johnson’s actions and remarks came as a delayed response to charges made by Republican nominee and Senator Barry Goldwater (R-AZ) during the 1964 Presidential campaign.

Goldwater bemoaned the unrest surrounding civil rights protests during a speech in Minneapolis, Minnesota, “I charge with a sincerely heavy heart, that the more the federal government has attempted to legislate morality, the more it actually has incited hatreds and violence.”<sup>108</sup> Citing a crime report from the Federal Bureau of Investigation (FBI), Goldwater criticized the “degradation” of prominent East Coast cities, the “lawlessness and disorders on American

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<sup>106</sup> Lyndon B. Johnson, “Executive Order 11396,” (National Archives and Records Administration), accessed September 16, 2022, <https://www.archives.gov/federal-register/codification/executive-order/11396.html>.

<sup>107</sup> Lyndon B. Johnson, “Remarks upon Signing Order Providing for the Coordination by the Attorney General of Federal Law Enforcement and Crime Prevention Programs,” The American Presidency Project, February 7, 1968, <https://www.presidency.ucsb.edu/documents/remarks-upon-signing-order-providing-for-the-coordination-the-attorney-general-federal-law>.

<sup>108</sup> “Goldwater Links the Welfare State to Rise in Crime,” *New York Times*, September 11, 1964, <https://www.nytimes.com/1964/09/11/archives/goldwater-links-the-welfare-state-to-rise-in-crime.html>.

streets,” and “gang rape in California.”<sup>109</sup> The timing of Executive Order 11396 and the unveiling of the Omnibus Crime Control and Safe Streets Act of 1968 were unignorable. The neoconservative “tough on crime” movement was gaining traction.

On June 19, 1968, President Johnson moved away from his Great Society agenda and helped usher in the “tough on crime” era by signing the Omnibus Crime Control and Safe Streets Act. With some trepidation, Johnson said of the bill, “the measure...carries out many of the objectives I sought. But it also contains several other provisions which are unwise, and which will not aid effective law enforcement.”<sup>110</sup> Nevertheless, he acquiesced to the “law and order” proponents in both parties and around the country with this legislation. Since the 1950s, “law and order” has become part of society’s racially coded vernacular. Initially used by Southern government and law enforcement officials to prompt white opposition to the Civil Right Movement, the term appealed to “old racist sentiments.”<sup>111</sup> However, Johnson moved forward with the Omnibus Crime Control and Safe Streets Act because the “measure contains more good than

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<sup>109</sup> “Goldwater Links the Welfare State to Rise in Crime,” *New York Times*.

<sup>110</sup> Lyndon B Johnson, “Statement by the President Upon Signing the Omnibus Crime Control and Safe Streets Act of 1968,” The American Presidency Project, June 19, 1968, <https://www.presidency.ucsb.edu/documents/statement-the-president-upon-signing-the-omnibus-crime-control-and-safe-streets-act-1968>.

<sup>111</sup> Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: New Press, 2020). 50.



bad.”<sup>112</sup> The Act authorized \$400 million to bolster local law enforcement (including prisons and parole), created a national institute to research crime prevention scientifically, established a tuition reimbursement program for law enforcement officers, and expanded local and state police training through the Federal Bureau of Investigations (FBI) Academy, permitted federal appropriations to supplement salaries and encourage the training of Community Service Officers (CSOs).<sup>113</sup> Suddenly the Federal Department of Justice (DOJ) significantly influenced social policy more than previously allowed. As the Law Enforcement Assistance Agency, DOJ oversaw the Omnibus Crime Control and Safe Streets Act provisions, and the “proactive” approach to policing replaced the Great Society’s “preventative” social programs.<sup>114</sup>

The burgeoning neoconservative movement opposed funding President Johnson’s Great Society social programs but encouraged spending on law enforcement. Despite the Kerner Commission’s recommendation that funding for law enforcement should be directed at building community relations, neoconservatives insisted on a carceral model that increased prison spending

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<sup>112</sup> Johnson, “Statement by the President Upon Signing the Omnibus Crime Control and Safe Streets Act of 1968.”

<sup>113</sup> Johnson, “Statement by the President Upon Signing the Omnibus Crime Control and Safe Streets Act of 1968.”

<sup>114</sup> Elizabeth Hinton, “The War on Crime, LBJ, and Ferguson: Time to Reassess the History,” *Time* (Time, March 20, 2015), <https://time.com/3746059/war-on-crime-history>.

and expanded parole boards. The Kerner Commission also noted reporting mistakes, exaggeration, and unfounded speculation as exacerbating factors that furthered race-based narratives and presumptions about criminality.<sup>115</sup> However, the media coverage of the 1967 riots reinforced white victimhood at the hands of dark-skinned people, especially African Americans, and galvanized public support of the carceral model.

By the 1968 presidential election, former Vice-President Richard M. Nixon (R-CA) had rallied his “silent majority” base of white middle-class voters who opposed President Johnson’s agenda. In an editorial piece for *U.S. News and World Report* (1966), Nixon opined that “it would be a grave mistake to charge off the recent riots to unredressed Negro grievances alone. To do so is to ignore a prime reason and a major national problem: the deterioration of respect for the rule of law all across America.”<sup>116</sup> “Respect for the rule of law,” like the term “law and order,” holds racially based undertones. Nixon goes further in the op-ed, equating the lack of respect to a contagious disease breeding more than racial hostility. However, the former Vice-President distanced himself from the incendiary rhetoric by spotlighting Senator Robert Kennedy’s (D-NY) comments that “there is no point in telling the Negroes to obey the law’ because to the

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<sup>115</sup> Cobb and Guariglia, *The Essential Kerner Commission Report*. 246.

<sup>116</sup> Richard M. Nixon, “If Mob Rule Takes Hold in U.S.,” *U.S. News and World Report*, August 15, 1966, 295, <https://www.marcuswitcher.com/1966%20-%20Nixon,%20If%20mob%20rule.pdf>.

Negro ‘the law is the enemy.’<sup>117</sup> The cherry-picked line diminishes Senator Kennedy, who said, “in Harlem, in Bedford-Stuyvesant, it [the law] has almost always been used against them.”<sup>118</sup> Nixon suggested that civil defiance was the cause, not the product, of racial animosity and delegitimizes the “demands of the Negro people.”<sup>119</sup> It would be easy to dismiss former Vice-President Nixon’s remarks as partisan, if not pandering to his voting base, but his attitude was shared across party lines. Senator Robert Byrd (D-WV) joined the “respect for the rule of law” chorus when he stated that “if [blacks] conduct themselves in an orderly way, they will not have to worry about police brutality.”<sup>120</sup>

Activist groups, including the Black Panther Party for Self-Defense (BPP), formed after the 1960s race riots. The mission of the BPP included a platform that mirrored President Johnson’s “Great Society” but would operate outside the federal government’s purview.<sup>121</sup> The BPP’s separatist agenda incensed

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<sup>117</sup> Nixon, “If Mob Rule Takes Hold in U.S.” 295.

<sup>118</sup> Heather Digby Parton, “‘The Law Is the Enemy’: What RFK Can Remind America About Police Brutality,” Salon (Salon.com, April 29, 2015), [https://www.salon.com/2015/04/29/the\\_law\\_is\\_the\\_enemy\\_what\\_rfk\\_can\\_remind\\_america\\_about\\_police\\_brutality/](https://www.salon.com/2015/04/29/the_law_is_the_enemy_what_rfk_can_remind_america_about_police_brutality/).

<sup>119</sup> Nixon, “If Mob Rule Takes Hold in U.S.” 297.

<sup>120</sup> Alexander, *The New Jim Crow*. 52.

<sup>121</sup> “The Black Panther Party,” National Archives and Records Administration (National Archives and Records Administration), accessed September 13, 2022, <https://www.archives.gov/research/african-americans/black-power/black-panthers#bpintro>.

President Richard M. Nixon (R-CA), who saw the group as threatening the law-abiding “silent majority.” The media negatively portrayed the Black Panthers, bolstering Nixon’s appraisal that the group operated without “respect for the rule of law.” The BPP’s goal of self-determination following socialist principles also attracted the scrutiny of the Central Intelligence Agency (CIA). The CIA conducted undercover surveillance of the BPP to “get them in trouble with local authorities.”<sup>122</sup> In 1971, National Media Analysis, Inc., a Conservative group, published a story claiming that the Black Panthers were recruiting young whites to their cause through illicit drug use.<sup>123</sup> The report gave President Nixon’s administration and their “tough on crime” allies a reason to target the BPP and other counter-culture groups as fronts for illegal drug operations.

On June 17, 1971, President Nixon signed Executive Order 11599, creating the Special Action Office for Drug Abuse Prevention and initiating the “War on Drugs.”<sup>124</sup> The Special Action Office was ostensibly established to “place

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<sup>122</sup> Seymour M. Hersh, “C.I.A. Reportedly Recruited Blacks for Surveillance of Panther Party,” Central Intelligence Agency (Central Intelligence Agency, March 17, 1978), <https://www.cia.gov/readingroom/document/cia-rdp81m00980r002000090042-5>.

<sup>123</sup> Francis M. Watson, “TUPART Monthly Reports on the Underground Press,” Central Intelligence Agency (National Media Analysis, Inc., March 1971), <https://www.cia.gov/readingroom/document/cia-rdp88-01314r000300120030-7>.

<sup>124</sup> Richard M. Nixon, “Executive Order 11599 - Establishing a Special Action Office for Drug Abuse Prevention,” (The American Presidency Project, June 17, 1971), <https://www.presidency.ucsb.edu/documents/executive-order-11599-establishing-special-action-office-for-drug-abuse-prevention>.

the leadership of our drug abuse effort under a single official who will coordinate existing federal drug abuse programs and activities and develop plans for increasing our future efforts.”<sup>125</sup> Instead, Nixon’s efforts expanded the size and scope of federal drug enforcement agencies, created mandatory minimum sentencing, and approved “no-knock” warrants.<sup>126</sup> It also reinscribed racially and politically coded messaging into the mainstream.

According to John Ehrlichman, a Nixon aide and a principal correspondent to the Special Action Office, the administration formulated a plan to associate marijuana with the antiwar movement and heroin with African Americans. Possession of Schedule I Controlled Substances (marijuana and heroin in this case) was a felony offense and carried lengthy prison sentences. In addition, as part of the “law and order” movement, the Nixon administration seized the opportunity to publicize and justify police raids, even broadcasting them on television news programs.<sup>127</sup>

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<sup>125</sup> “FG 6-19 (Special Action Office for Drug Abuse Prevention),” Richard Nixon Museum and Library, accessed September 16, 2022, <https://www.nixonlibrary.gov/finding-aids/fg-6-19-special-action-office-drug-abuse-prevention-white-house-central-files-subject>.

<sup>126</sup> “A Brief History of the Drug War,” Drug Policy Alliance (Drug Policy Alliance, 2020), <https://www.drugpolicy.org/issues/brief-history-drug-war>.

<sup>127</sup> Drug Policy Alliance, “A Brief History.”

The “War on Poverty” transitioned into the carceral “War on Drugs” effort targeting specific groups. Executive Order 11727, signed by President Nixon on July 6, 1973, formed the Drug Enforcement Agency (DEA) out of the Special Action Office. Its mission included “the enforcement of the controlled substances laws...prosecution of criminals and drug gangs [and] seizure and forfeiture of assets derived from...illicit drug trafficking.”<sup>128</sup> In a 1994 interview with Dan Baum, author of *Smoke and Mirrors: The War on Drugs and the Politics of Failure*, John Ehrlichman said,

The Nixon White House...had two enemies: the antiwar left and black people. [Do] you understand what I’m saying? We knew we couldn’t make it illegal to be either against the war or black, but by getting the public to associate the hippies with marijuana and blacks with heroin and then criminalizing both heavily, we could disrupt those communities. We could arrest their leaders, raid their homes, break up their meetings, and vilify them night after night on the evening news. Did we know we were lying about the drugs? Of course, we did.<sup>129</sup>

Outwardly neutral terms (e.g., drug gangs) became racialized through new drug enforcement policies and media coverage of arrests. Paternalistic attitudes

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<sup>128</sup> Richard M. Nixon, “Executive Order 11727 - Drug Law Enforcement,” The American Presidency Project, July 6, 1973, <https://www.presidency.ucsb.edu/documents/executive-order-11727-drug-law-enforcement>., “Mission,” DEA, accessed September 16, 2022, <https://www.dea.gov/about/mission>.

<sup>129</sup> Dan Baum, “Legalize It All: How to Win the War on Drugs,” *Harper’s Magazine*, accessed September 16, 2022, <https://harpers.org/archive/2016/04/legalize-it-all/>.

shifted from guidance to punishment while abandoning efforts to alleviate poverty, a root cause of crime.

Public consumption of televised police raids on minority (predominantly African American) communities empowered subsequent Chief Executives to utilize racially coded language in certain arenas. During a 1976 speech at the Annual Convention of the California Police Officers Association, President Gerald R. Ford (R-MI) declared that he would “not excuse the real brutality that exists in America...the brutality of hoodlums in the streets of our cities.”<sup>130</sup> The racially coded dog whistles continued into the 1980s when Ronald Reagan (R-CA), campaigning for president in Mississippi, gave a speech defending “states” rights and railing against the “welfare queens” and “young bucks” exploiting the food stamp program.<sup>131</sup> During a 1986 campaign event for Senator James T. Broyhill (R-NC), President Reagan called upon voters to “strike a blow against the drugs, thugs, and hoodlums” by voting for a “force for law and order.”<sup>132</sup> The rhetoric

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<sup>130</sup> Gerald R. Ford, “Remarks in Anaheim at the Annual Convention of the California Peace Officers Association.,” The American Presidency Project, May 24, 1976, <https://www.presidency.ucsb.edu/documents/remarks-anaheim-the-annual-convention-the-california-peace-officers-association>.

<sup>131</sup> Nicole Hemmer, *Partisans: The Conservative Revolutionaries Who Remade American Politics in the 1990s*. 34. (New York: Basic Books, 2022).

<sup>132</sup> Ronald Reagan, “Remarks at a Campaign Rally for Senator James T. Broyhill in Raleigh, North Carolina,” The American Presidency Project, October 8, 1986, <https://www.presidency.ucsb.edu/documents/remarks-campaign-rally-for-senator-james-t-broyhill-raleigh-north-carolina>.

employed by politicians on a national stage continued to normalize racial division by portraying African Americans and other minorities negatively.

During the 1988 Presidential race, George H.W. Bush's (R-TX) campaign highlighted the William "Willie" Horton case to promote his "law and order" agenda. Horton, an African American from Massachusetts, committed rape and murder while on furlough from state prison. The campaign advertisement effectively linked race to criminality while discrediting the Democratic Presidential nominee, Michael Dukakis.<sup>133</sup> In a 1990 speech to the U.S. Conference of Mayors, President Bush asked for support in taking "back the streets from crime and drugs" and implored the Mayors to "work together to stop the hooligans and the thugs."<sup>134</sup> In the same year, Bush vetoed the Civil Rights Act of 1990, which would have bolstered an employee's ability to sue an employer for discrimination.

The mindsets and behaviors of figures from once revered positions in academia and government display the paternalism ingrained in the elite class. Harry Carman's efforts to draw more African American students to Ivy League universities were self-serving. No matter how noble or progressive the scheme, the schools' (Columbia in particular) "pervasive climate of racism" meant African

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<sup>133</sup> Hemmer, *Partisans*, 56.

<sup>134</sup> George H.W. Bush, "Remarks to the United States Conference of Mayors," The American Presidency Project, January 26, 1990, <https://www.presidency.ucsb.edu/documents/remarks-the-united-states-conference-mayors>.



Americans were “all but invisible.”<sup>135</sup> President Lyndon Johnson’s “Great Society” plan created opportunities for African Americans and other minorities. However, the program’s administrators viewed the new bureaucracy as a public-private capitalist venture. The populist backlash to Johnson’s efforts culminated in a series of race riots nationwide in the late-1960s that stirred the burgeoning neoconservative movement, which demanded that the federal government restore “law and order.” The neoconservatives, led by Senator Barry Goldwater, pushed for a rollback of “New Deal” liberalism and a return to free-market isolationism. Harkening back to an earlier time ignited “old racist sentiments,” and racially coded messages (or dog whistles) became evident. Politicians argued that federal civil rights protections were unnecessary if African Americans and other minorities behaved properly. Appropriate conduct was measured by white elites who linked race to criminality and those in need as a burden upon public resources. The economic recession of the 1970s highlighted society’s structural inequality, which increased crime. The 1980s ushered in a movement that sought to fight crime through more preventative, less punitive measures.

This chapter studied elite paternalistic attitudes stemming from Harry Carman’s attempts to create educational opportunities to federal government policies. The chapter also gave an overview of the shift in the Johnson

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<sup>135</sup> “Post-1865: Students,” Columbia University and Slavery, accessed September 24, 2022, <https://columbiaandslavery.columbia.edu/content/post-1865-students>.

administration's policy from the War on Poverty to the War on Drugs and the aftereffects of this shift.

Poverty—long viewed as a social issue primarily affecting minority communities—begets crime, creating a need for crime prevention. President Lyndon B. Johnson hoped to carry on the legacy of his predecessor, John F. Kennedy, by introducing the "Great Society." However, his ambitious plan to fight poverty was announced during a tumultuous time—race riots, antiwar protests, and the neoconservative political movement—hampering its success. Then, in 1968, Richard M. Nixon was elected President on a neoconservative platform challenging the policies of the Kennedy and Johnson administrations. Instead of relating poverty to crime, Nixon saw crime as an outgrowth of Johnson's "welfare state" programs and chose to increase law enforcement. Unbeknownst at the time was that Nixon used the criminal justice system to target his "enemies"—including African Americans—and how his "law and order" stance was a racially coded "dog whistle." President Nixon's successors followed in the same vein, employing terminology that encouraged associations between race and criminality in America's collective subconscious. Nixon's public face contradicted his private voice, and his actions solidified the elite paternalism of interfering against the will of another to protect them from harm.<sup>136</sup>

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<sup>136</sup> Gerald Dworkin, "Paternalism."

## CHAPTER TWO

### ONE OF A THOUSAND POINTS OF LIGHT

#### A Kinder, Gentler Attack

During the 1988 United States Presidential campaign, George H.W. Bush claimed to support a “kinder, gentler” nation. Meanwhile, a political action committee attached to his campaign released the infamous “Willie Horton” advertisement. Candidate Bush made no attempts to distance himself from the political attack advertisement on his Democratic opponent, Michael Dukakis (D-MA), despite how it contradicted his “kinder, gentler” approach by stoking racist fears of black men. In 1986, while on a weekend furlough from a Massachusetts prison, Willie Horton, an African American convicted of murder, raped a woman in Prince George’s County, Maryland, and stabbed her boyfriend.<sup>137</sup> The political use of the incident, which occurred while Michael Dukakis was Governor of Massachusetts, was meant to portray the Democratic candidate as “soft on crime.” Instead, the advertisement, featuring Horton’s mug shot, stoked fears of African American predators freely walking away from prisons. Marcia Chatelain, a professor of African American history at Georgetown University, noted that the advertisement was not only “a racist ad that misrepresented the furlough

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<sup>137</sup> Peter Baker, “Bush Made Willie Horton an Issue in 1988, and the Racial Scars Are Still Fresh,” *The New York Times* (*The New York Times*, December 4, 2018), <https://www.nytimes.com/2018/12/03/us/politics/bush-willie-horton.html>.

process. It also taught the Democrats that in order to win elections, they have to mirror some of the racially inflected language of tough on crime.”<sup>138</sup>

On the campaign trail, candidate Bush continued to present himself as a grandfatherly gentleman, hoping to unify what he called,

A nation of community, of thousands and tens of thousands of ethnic, religious, social, business, labor union, neighborhood, regional and other organizations, all of them varied, voluntary and unique.<sup>139</sup>

Bush’s unifying persona was epitomized during an appearance in Prince George’s County, Maryland, where he celebrated the communal efforts of the Midnight Basketball League (MBL). As he did during the 1988 campaign, President Bush promoted a “kinder, gentler” approach to social issues. However, in keeping with his paternalistic attitude, President Bush chose not to allocate significant resources to social issues. Instead, he found a way to get outside funding for social initiatives, particularly sports-based youth programs.

This chapter will examine the dichotomy of the paternalistic agenda that both celebrates and exploits community successes. As conceptualized by proponents and detractors of MBL, basketball was celebrated for its positive attributes and maligned as little more than a game. Furthermore, critics framed the sport as an “inner-city” amusement mainly played by African Americans, who

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<sup>138</sup> Baker, “Bush Made Willie Horton an Issue.”

<sup>139</sup> George H.W. Bush, “Address Accepting the Presidential Nomination at the Republican National Convention in New Orleans,” The American Presidency Project, August 18, 1988, <https://www.presidency.ucsb.edu/documents/address-accepting-the-presidential-nomination-the-republican-national-convention-new>.

were, ostensibly, prone to criminality. Nationally, the National Basketball Association (NBA) was often perceived as proof of the racial assumptions about basketball as a “black man’s game” and, by extension, its potential as a tool for social change. This chapter will also examine how the MBL was commandeered by the government and corporate interests, which fostered unlikely hopes among its participants, namely the potential for careers as professional athletes.

What follows in this chapter is a detailed discussion of Midnight Basketball, organized in a series of subtopics. The first part describes the history and popularity of basketball. The second covers the origin of Midnight Basketball in Maryland. The remainder of the chapter then recounts Midnight Basketball's growth, especially in Chicago, as the sports initiative gained support from President George W. Bush, other elected officials, mainstream media, and major corporations.

### The Incurrigibles

James Naismith invented basketball in 1891 while on the YMCA International Training School in Massachusetts faculty, to placate a “class of incorrigibles.” The Young Men’s Christian Association (YMCA), founded during the Industrial Revolution, included sports in its mission to encourage “people to reach their full potential,” and basketball was a favored activity.<sup>140</sup> During the late

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<sup>140</sup> “Our History,” YMCA of the USA, accessed July 1, 2022, <https://www.ymca.org/who-we-are/our-history>. Donald S. McCuaig, “Basketball: A YMCA Invention,” YMCA International - World Alliance of YMCAs, May 24, 2020, <https://www.ymca.int/about-us/ymca-history/basketball-a-ymca-invention/>.

twentieth century, basketball became associated with blackness, a racialization of the sport reinforced by a 1991 NBA report identifying seventy-two percent of its players as African American.<sup>141</sup> The association of blackness with the sport within its professional ranks was reflected in the communities where many African American men embraced basketball as “the black man’s game.”<sup>142</sup> A. Rafik Mohamed, professor of sociology at California State University-San Bernardino, described the love of the game among black basketball players, writing that the game offers “a transitory departure from society’s ordinary hierarchy...a rare arena...to earn a complete stranger’s respect.”<sup>143</sup> On the other hand, Mohamed points out that the association of basketball and blackness has also encouraged negative stereotypes, especially about African American men, such as “The Mandingo Syndrome,” which holds that high physical strength and athletic prowess are directly related to low intellectual ability.

Furthermore, since basketball is a “black man’s game,” there is a “natural” appetite for it. Such sentiments have been perpetuated by sportscasters,

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<sup>141</sup> “Pro Sports Gets 'Racial Report Card,’” Google News Archive Search (Associated Press, July 23, 1991), <https://news.google.com/newspapers?id=I34iAAAAIBAJ&pg=1502%2C4071093>.

<sup>142</sup> A. Rafik Mohamed, *Black Men on the Blacktop: Basketball and the Politics of Race* (Boulder, CO: Lynne Rienner Publishers, Inc, 2017). 1.

<sup>143</sup> Mohamed, *Black Men on the Blacktop*. 5.

journalists, culture critics, and scholars.<sup>144</sup> So, as Mohamed and others have articulated, the complicated origin and specific racialization of basketball made the sport ripe for controversy as the Midnight Basketball League gained prominence.

Choose Sides. In 1986, while serving as Glenarden, Maryland's town manager, G. Van Standifer founded the MBL. The league was formed to counter rising crime rates in the city by offering young men (seventeen to twenty-one years of age) a positive outlet during the summer.<sup>145</sup> Prince George's County, as the birthplace of the MBL, is noteworthy because the African American population grew due to "white flight."<sup>146</sup> According to 1980 census data, African Americans comprised about thirty-seven percent of the population. By 2020 the number of African American residents increased to nearly eighty-four percent. Prince George's County's demographics are significant because conservative lawmakers and pundits at the time attributed marriage and familial structure shifts to criminal activity among youths, especially African American males. Between 1985 and 1991, the national homicide rate among fifteen to twenty-four-year-olds

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<sup>144</sup> Douglas Hartmann, "Black Men on the Blacktop: Basketball and the Politics of Race by A. Rafik Mohamed," *American Journal of Sociology* 124, no. 5 (2019): pp. 1583-1585, <https://doi.org/10.1086/701588>.

<sup>145</sup> Barnes, "G. Van Standifer Dies."

<sup>146</sup> Craig A Clagett, "Prince George's County Population Analysis" (Largo, MD: Office of Institutional Research and Analysis, 1987), pp. 1-29, <https://files.eric.ed.gov/fulltext/ED293593.pdf>., "QuickFacts: Glenarden City, Maryland." Census Bureau QuickFacts. United States Census Bureau, 2021. <https://www.census.gov/quickfacts/glenardencitymaryland>.

rose sixteen percent. The homicide trend caught the attention of television news producers who employed the “if it bleeds, it leads” philosophy of broadcasting. As a result, violent scenes from inner-city neighborhoods, usually involving young minority males, were transmitted into suburban American homes.<sup>147</sup> G. Van Standifer was confident that offering young inner-city men a positive alternative in basketball during “high crime” hours (10:00 p.m. to 2:00 a.m.) would decrease the violence.<sup>148</sup>

Still, the Midnight Basketball League did not address the factors leading to criminal activity, such as poverty, unemployment, and drugs. Douglas Hartmann, a professor of sociology at the University of Minnesota, argues that the targeted group (young African American men) “was the problem midnight basketball was intended to address,” suggesting that paternalism was intentional.<sup>149</sup> The MBL operated with a similar objective as the YMCA but with a few key characteristics. Games were scheduled for the summer months, and young men (seventeen to twenty-one-year-olds) were explicitly recruited to play. Also, games did not start before 10:00 p.m., and two uniformed police officers were present at each

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<sup>147</sup> “Trends in Rates of Homicide -- United States, 1985-1994,” Centers for Disease Control and Prevention (Centers for Disease Control and Prevention, June 7, 1996), <https://www.cdc.gov/mmwr/preview/mmwrhtml/00042178.htm>.

<sup>148</sup> Douglas Hartmann, *Midnight Basketball: Race, Sports, and Neoliberal Social Policy* (Chicago: University of Chicago Press, 2016). 17.

<sup>149</sup> Hartmann, *Midnight Basketball*. 31.



contest.<sup>150</sup> The mandatory attendance of uniformed law enforcement added to paternalism and “played off both the positive and negative stereotypes of black men in the media and popular culture.”<sup>151</sup>

Ignoring the racial aspects of the Midnight Basketball League, Standifer touted its crime prevention success. Standifer and the Glenarden Police Department claimed that the MBL factored into a thirty percent decrease in crime from 1986 to 1989. A County Corrections official stated, “I haven’t seen one single one of these basketball players back in my jail” since the program’s inception.<sup>152</sup> The purported effectiveness of the MBL led other cities to explore creating leagues, and the National Association of Midnight Basketball, Inc. (NAMB) was founded. Eventually, the organization claimed thirty-eight chapters nationwide, from Chicago to San Diego, each following Standifer’s model of playing during the summer, recruiting seventeen to twenty-one-year-old men, starting games at 10:00 p.m. or later, and having uniformed police officers present at each game.<sup>153</sup>

For Midnight Basketball League players, crime prevention was not the primary attraction. Standifer constructed a program that aligned with A. Rafik Mohamed’s assertion that basketball provides an opportunity to compete and

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<sup>150</sup> Hartmann, *Midnight Basketball*. 17.

<sup>151</sup> Hartmann, *Midnight Basketball*. 5.

<sup>152</sup> Hartmann, *Midnight Basketball*. 18.

<sup>153</sup> Hartmann, *Midnight Basketball*. 19.

gain respect through a competitive regular season and playoffs. Teams were formed through a tryout and draft process overseen by assigned coaches. The league provided trained referees and uniforms (donated through sponsors), local newspapers published game results and weekly standings, and fans filled the gymnasium bleachers.<sup>154</sup> The MBL allowed its participants to connect with other black men.<sup>155</sup> However, the local, state, and federal governments saw something more for the Midnight Basketball League. Even Standifer recognized the paternalistic approach of his project, “the last thing in the world that Midnight Basketball is about is basketball,” he told President George H.W. Bush during a White House visit.<sup>156</sup>

Celebrating Midnight Basketball. On April 12, 1991, President George H.W. Bush visited the Glenarden Community Center in Prince George’s County, Maryland, to designate the Midnight Basketball League (MBL) as the 124<sup>th</sup> Daily Point of his “Thousand Points of Light” initiative.<sup>157</sup> When presenting the Daily Point of Light to G. Van Standifer and the MBL, President Bush remarked that it was a “great institution dedicated to keeping guys off the street and out of

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<sup>154</sup> Hartmann, *Midnight Basketball*. 17.

<sup>155</sup> Mohamed, *Black Men on the Blacktop*. 15.

<sup>156</sup> “Public Papers of the Presidents: Bush.” 362.

<sup>157</sup> Bart Barnes. “G. Van Standifer Dies.” Washington Post. The Washington Post, September 19, 1992. <https://www.washingtonpost.com/archive/local/1992/09/19/g-van-standifer-dies/385361b8-39de-495f-8dd3-ae8ba4342351/>.

trouble.” The league offered a place where “everybody wins. And some may get better at basketball, but everyone gets a better shot at life.”<sup>158</sup> Bush’s comments at the ceremony signaled that the federal government “seriously considered the possibility that sport could be incorporated into the domestic agenda.”<sup>159</sup>

President Bush’s remarks at the Daily Point of Light ceremony supported his statement delivered to the U.S. Conference of Mayors in 1990. At the conference, President Bush asked the mayors to proactively reclaim “the streets from crime and drugs” and “work together to stop the hooligans and the thugs.”<sup>160</sup> In addition, President Bush reaffirmed his commitment to his Thousand Points of Light initiative, described in each address, by offering federal assistance and incentives. In his inaugural address, Bush said,

we will work hand in hand, encouraging, sometimes leading, sometimes being led rewarding. We will work on this in the White House, in the Cabinet agencies. I will go to the people and the programs that are the brighter points of light, and I’ll ask every member of my government to become involved.<sup>161</sup>

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<sup>158</sup> “Public Papers of the Presidents of the United States: George H. W. Bush (1991, Book I) - Remarks on Signing the Points of Light National Celebration of Community Service Proclamation in Glenarden, Maryland.” Govinfo.gov, 2021. 362. <https://www.govinfo.gov/content/pkg/PPP-1991-book1/html/PPP-1991-book1-doc-pg361-2.htm>.

<sup>159</sup> Hartmann, *Midnight Basketball*. 6.

<sup>160</sup> George H.W. Bush, “Remarks to the United States Conference of Mayors,” The American Presidency Project, January 26, 1990, <https://www.presidency.ucsb.edu/documents/remarks-the-united-states-conference-mayors>.

<sup>161</sup> George H.W. Bush, “Inaugural Address,” The American Presidency Project, January 20, 1989, <https://www.presidency.ucsb.edu/documents/inaugural-address>.

Bush's comments suggested a partnership with community-based programs and a move away from the "law and order" policing of his predecessors, a "kinder...face of the Nation and gentler...face of the world."<sup>162</sup> However, his rhetoric spoke to a continuation of the "War on Crime" and "War on Drugs"— "there are those who cannot free themselves of enslavement to whatever addiction -- drugs, welfare, the demoralization that rules the slums. There is crime to be conquered, the rough crime of the streets"—and the entrenched paternalism— "they need our care, our guidance, and our education."<sup>163</sup>

Jack Kemp, Pater Ludi. President Bush's administration recognized an opportunity to endorse a "grassroots" community-based crime prevention program without direct government funding. The Midnight Basketball League was ripe for incorporation into a paternalistic agenda, and Jack Kemp, the Secretary of Housing and Urban Development (HUD) was the right person to lead a public-private sector collaborative approach to social issues. Among the ranks of the Republican Party, circa 1980s to 1990s, Jack Kemp was a dissident, a "bleeding-heart conservative" who entered politics to fight poverty and discrimination.<sup>164</sup> As a Congressman, Kemp pleaded with his Republican cohorts to court African

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<sup>162</sup> Bush, "Inaugural Address."

<sup>163</sup> Bush, "Inaugural Address."

<sup>164</sup> Mark Byrnes, "How Jack Kemp Rewrote the Urban Poverty Playbook," *Bloomberg*, January 6, 2020, <https://www.bloomberg.com/news/articles/2020-01-06/when-jack-kemp-took-on-urban-poverty-and-lost>.

Americans and other minority voters. As a Presidential candidate in 1994, he openly criticized California's Proposition 187, which denied government services to undocumented immigrants. As HUD Secretary (1989-93), Kemp proposed more spending on social welfare and civic redevelopment programs. As opposed to President George H.W. Bush, who preferred to see the Midnight Basketball Leagues operate through local sponsorships—as the Glenarden MBL did—Kemp favored creating “enterprise zones” like those in Great Britain. The British “enterprise zones” created a public-private sector funding collaboration, which extended tax incentives to businesses that started or expanded into the zones.<sup>165</sup>

In 1990, the Chicago Housing Authority (CHA) and Kemp's HUD pooled \$100,000 to launch an MBL in the city's Rockwell Gardens and Henry Horner public housing projects. Former Chicago Bulls head coach Doug Collins donated \$2000 to be listed as a league owner, and National Basketball Association (NBA) legend Michael Jordan made appearances at games.<sup>166</sup> Chicago's position as a major city and media market garnered its Midnight Basketball League a level of notoriety that Glenarden could not generate. The Chicago MBL was profiled on the American Broadcasting Company's (ABC) *Good Morning America* program,

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<sup>165</sup> Byrnes, “How Jack Kemp Rewrote the Urban Poverty Playbook,” “Enterprise Zones,” UK Parliament - House of Commons Library, accessed March 21, 2023, <https://commonslibrary.parliament.uk/research-briefings/sn05942/>.

<sup>166</sup> Hartmann, *Midnight Basketball*. 1.

national NBA telecasts, newspapers, and magazines.<sup>167</sup> Although lacking a corporate donor at the time, the Chicago MBL heartened Kemp and his allies in pursuing a public-private sector solution to ending criminal activity.

The *Chicago Tribune* trumpeted the possibility that “tomorrow’s Michael Jordan or Dr. J [Julius Erving] may be warming up in the CHA today.”<sup>168</sup> The *Chicago Tribune* editors could have chosen to cite white NBA personalities Steve Kerr (Jordan’s Chicago Bulls teammate) or Larry Bird to promote the MBL; instead, by using African American stars Jordan and Erving, the newspaper displayed latent racial assumptions about the program.

Still, the sport was aspirational for the black Midnight Basketball participants from the public housing projects; most professional basketball players are African American.<sup>169</sup> Today, about seventy-one percent of NBA players are African American, and sixty-seven percent of the Women’s National Basketball Association (WNBA) players identify as African American or black.<sup>170</sup> To some degree, the success of the MBL in Chicago and Glenarden came from

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<sup>167</sup> Hartmann, *Midnight Basketball*. 1.

<sup>168</sup> Hartmann, *Midnight Basketball*. 26.

<sup>169</sup> Mohamed, *Black Men on the Blacktop*. 16.

<sup>170</sup> Troy Sparks, “NBA’s Great American White Hope A Lost Cause,” Bleacher Report (Bleacher Report, October 2, 2017), <https://bleacherreport.com/articles/397466-nbas-great-american-white-hope-a-lost-cause>., Ross Evans, “Demographics and Identity in the New WNBA-WNBPA CBA,” OnLabor, May 15, 2020, <https://onlabor.org/demographics-and-identity-in-the-new-wnba-wnbpa-cba/>.

the eagerness of its participants. Before the MBL, recreational basketball leagues, and pick-up games were a way of honing one's skills in hopes of playing the game professionally. However, amateur basketball is not always a stepping-stone out of housing projects or poverty. The success of Chicago's Midnight Basketball League created a false impression that issues of systemic racism were resolved.<sup>171</sup>

In the 1980s and 1990s, Michael Jordan was arguably the world's most famous athlete, and the shoe-manufacturing company's advertising "face" of Nike, Inc. Jordan's indirect connection to Chicago's MBL and his Nike endorsement implied a national media presence and sponsorships. Any influx of capital to offset the amounts spent by the Chicago Housing Authority and the Department of Housing and Urban Development were welcomed by Jack Kemp in keeping with his private-public funding collaboration, but this was only partially realized. Raising money for the Midnight Basketball League, a program that some considered niche, proved difficult. Regardless of the MBL's grander crime prevention objectives, it was still a basketball program for "at-risk," inner-city young men.<sup>172</sup> Funding for parks and urban recreation programs began steadily declining in the 1970s due to budget cuts and rising liability costs, forcing these programs to find outside revenue streams.<sup>173</sup> The Mid-Atlantic Coca-Cola Bottling

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<sup>171</sup> Mohamed, *Black Men on the Blacktop*. 17.

<sup>172</sup> Hartmann, *Midnight Basketball*. 22.

<sup>173</sup> Hartmann, *Midnight Basketball*. 23.

Co., Inc., was an early corporate supporter of G. Van Standifer's Glenarden MBL, while smaller businesses rounded out league sponsorships.<sup>174</sup>

However, accepting non-governmental funding presented unforeseen challenges to the Glenarden MBL, some of which brought negative attention. In 1988, Mark Vogel and Associates became a major donor with a \$15,000 contribution to the league. Vogel, a local real estate developer, touted the MBL as "a great volunteer program that deserves strong support from local businesses. It's the kind of program that builds a strong community."<sup>175</sup> In 1990, Vogel was arrested in Virginia on drug charges and named as one of several Prince George's County notables under federal investigation for narcotics use and political corruption.<sup>176</sup> The hint of impropriety and suggestion that "dirty" money was funding the MBL galvanized the program's detractors in later years. Seeking major corporate sponsorship over a small business or individual contributions would relieve doubts about funding sources. A renewed focus on corporate donations would also insulate the MBL from economic downturns. In

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<sup>174</sup> "Midnight Basketball League Starts '88 Fundraising Drive." *Washington Informer (Pre-1990)* 24, no. 18 (Feb 17, 1988): 16.  
<http://libproxy.lib.csusb.edu/login?url=https://www.proquest.com/trade-journals/midnight-basketball-league-starts-88-fundraising/docview/340437016/se-2>.

<sup>175</sup> "Midnight Basketball League Starts '88 Fundraising Drive." *Washington Informer*.

<sup>176</sup> Marilyn W. Thompson and Debbie M. Price, "Developer Vogel Faces Drug Charges," *The Washington Post*, September 19, 1990, <https://www.washingtonpost.com/archive/politics/1990/09/19/developer-vogel-faces-drug-charge/4dbf61ac-d903-4db1-a608-8eef5d068361/>.



1991, the Glenarden Midnight Basketball League received \$40,000 from Prince George's County and \$60,000 from private donors. However, by 1993—due to the early 1990s recession—private contributions fell to roughly \$5000, mostly from one philanthropic foundation and some civic groups.<sup>177</sup>

The praise for the Midnight Basketball League from President George H.W. Bush and HUD Secretary Jack Kemp, in addition to the league's expansion nationally, may have motivated Congress to earmark \$3 million—of the \$30 billion Omnibus Crime Bill budget—for the MBL nationwide.<sup>178</sup> Representative Pat Schroeder (D-CO) hoped that the passage of the crime bill would restimulate efforts at a public-private collaboration. Although however, unlike President Bush or Secretary Kemp, Representative Schroeder did not envision a long-term partnership, "this bill may pass the Congress, that's just the first part of a two-part funding process. Federal funding wheels turn slowly, and it would be nice if private contributions could tide the program over until strong support for the program in the legislature turns into financial support."<sup>179</sup>

NIKE Wants to PLAY. The \$3 million earmarked for the Midnight Basketball Leagues amounted to one-one hundredth of a percent of the total

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<sup>177</sup> John Pitman, "Hard Times Threaten Acclaimed Midnight Basketball," *The Washington Post*, May 14, 1992, <https://www.washingtonpost.com/archive/local/1992/05/14/hard-times-threaten-acclaimed-midnight-basketball/32f017ae-595f-445d-9321-6601d1046684/>.

<sup>178</sup> President Bush threatened to veto the bill because of language regarding gun control. Pitman, "Hard Times." *The Washington Post*.

<sup>179</sup> Pitman, "Hard Times." *The Washington Post*.

crime bill budget and left a large funding void that politicians hoped private businesses would fill. In 1993, Nike, Inc. organized the Youth Fitness Summit in Washington, D.C. Several nonprofit organizations, including the Boys and Girls Club of America, met to address the lack of ongoing funding and the deterioration of public athletic and recreation facilities. The result of the summit was the Nike PLAY (*Participate in the Lives of America's Youth*) campaign and the associated "Revolutionary Manifesto," which declared that all children had an "inalienable right to an active life; the joy of sport, and the pursuit of fun."<sup>180</sup> The company's \$10-million project targeted the lost funding and dilapidated accommodations, using its celebrity network, including Michael Jordan and Jackie Joyner-Kersey, an African American track and field Olympian.<sup>181</sup> The Nike PLAY network included the Boys and Girls Clubs of America (a national after-school program) and AmeriCorps (a national volunteer and community service organization). The projects undertaken by PLAY included the Midnight Basketball Leagues, USA Track and Field Junior Olympics, and the Inner-City Games—founded as a collaborative crime-prevention effort by the Hollenbeck Youth Center in East Los Angeles and the Los Angeles Police Department. Cheryl L. Cole, the editor of the *Journal of Sport & Social Issues* and professor of Sports Media, Technologies, and Culture at the University of Illinois, noted that Nike PLAY was "ostensibly

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<sup>180</sup> Hartmann, *Midnight Basketball*. 61.

<sup>181</sup> Cheryl L. Cole, "American Jordan: P.L.A.Y., Consensus, and Punishment," *Sociology of Sport Journal* 13, no. 4 (1996): 377-78, <https://doi.org/10.1123/ssj.13.4.366>.

about children’s right to play,” but its framework included provisions for crime prevention.<sup>182</sup> Nike marketed the PLAY initiative through television commercials. Their debut advertisement was broadcast during the 1994 Men’s and Women’s National Collegiate Athletic Association (NCAA) Basketball Championships, further positioning Nike PLAY and its related projects as “urban” initiatives.<sup>183</sup> Public Service Announcements (PSAs) released at the same time as the PLAY advertisements from the National Crime Prevention Council, the U.S. Department of Justice, and others addressed “urban youth, violence, and playground safety,” which Cole maintains legitimized “racially coded discourse on urban recreation and crime” by the state.<sup>184</sup> Public opinion about the Nike PLAY program was shaped before it gained widespread traction.

Regardless of its intent, Midnight Basketball was seen as an inner-city crime prevention effort for at-risk youth. The public service announcements highlighting urban violence erased any legitimacy gained by the program from the accolades of President George H.W. Bush, the financial contributions approved by HUD Secretary Jack Kemp, or the partnership with Nike PLAY. Outside of Glenarden, Chicago, or any of the other host cities, Midnight Basketball remained a mystery.

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<sup>182</sup> Cole, “American Jordan,” 378.

<sup>183</sup> Cole, “American Jordan,” 378.

<sup>184</sup> Cole, “American Jordan,” 378.

The uninitiated might question the sport of choice, private donors' motives (and income sources), or the need for the public's interest. Others might challenge the need for public funding, especially after Nike, Inc. chose to donate money, time, and celebrity. There would also be queries regarding the true purpose of the MBL, as either crime prevention or containment. The Midnight Basketball League needed someone to shepherd the program from a local project to a national cause, and President Bill Clinton chose to pick up the gauntlet.

This chapter has laid a foundation specific to our discussion of Midnight Basketball. It described some of the broader histories of basketball and detailed the anti-crime, sports-based initiative known as Midnight Basketball. We have seen how President Bush, the Nike Corporation, and a preference for public-private partnerships foster the national attention paid to this program.

## CHAPTER THREE

### ESTABLISHING “LAW AND ORDER”

#### Saying The Quiet Parts Out Loud

Some politicians openly advocate a specific position and then contradict it within their policies. One instance of political advocacy and contradiction occurred when President George H.W. Bush celebrated the Midnight Basketball League (MBL) as one of his Thousand Points of Light but later threatened to veto a bill that included funding for the program. Many Americans would be unsurprised by their elected officials’ inconsistencies between word and deed; advocacy and contradiction are accepted tropes in the political arena. However, some Americans might be taken aback by the paternalistic rhetoric and its underlying racial tone used in the early 1990s.

This chapter documents the Congressional debates over funding social welfare programs—like Midnight Basketball—in the Violent Crime Control and Law Enforcement Act of 1994 and the paternalistic and racial undertones of those debates. We also will see that racial assumptions about crime existed before the 1994 Crime Bill—the popular moniker of the Violent Crime Control and Law Enforcement Act—and have changed little over the decades. Finally, this chapter describes the move away from President Lyndon B. Johnson’s “Great Society” toward the “War on Crime” and highlights the connections between crime policy in the 1960s and 1990s.

This chapter covers two main points demonstrating the relationship between the 1960s and 1990s crime policies. First, the philosophical shift from President Lyndon B. Johnson's racially egalitarian "Great Society" to the punitive and racist "law and order" policies. Secondly, it is a detailed account of President Bill Clinton's efforts to pass the Violent Crime Control and Law Enforcement Act of 1994. The 1994 Crime Bill assumed the paternalistic attitudes of Johnson's "Great Society" while feeding the appetites of "tough on crime" neoconservatives. The racially coded language employed by the debaters provides a thread of continuity between the two eras of public policy.

#### Same As The Old Boss

An article from the journal, *Social Justice*, opens with, "societies characterized by high degrees of structural inequality and social injustice will typically experience high rates of crime and violence."<sup>185</sup> The paper by Ronald Kramer, a professor of Sociology at Western Michigan University, and Raymond Michalowski, a professor of Criminal Justice at Northern Arizona University, offers a snapshot of the politics surrounding crime-control policies. Kramer and Michalowski identified continuity between the policies of the administrations of Presidents Ronald Reagan and George H.W. Bush. When Bill Clinton defeated George H.W. Bush in the 1992 election, social justice progressives hoped the

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<sup>185</sup> Ronald Kramer and Raymond Michalowski, "The Iron Fist and the Velvet Tongue: Crime Control Policies in the Clinton Administration," *Social Justice* 22, no. 2 (1995): 87, <https://www.jstor.org/stable/29766880>.

new president would abandon his predecessors' harsh criminal justice policies. But those hopes were dashed when President Clinton's administration failed to offer substantial alternatives and instead relied upon a rhetorical style that struck "a populist tone" while still "satisfying elites" with punitive "get-tough" policies that avoided concentrating on the "fundamental root causes" of crime.<sup>186</sup>

A legacy of "tough on crime" philosophies can be drawn from President Reagan to President Clinton. However, the "get-tough" attitude toward crime pre-dates both administrations, with roots Law Enforcement Assistance Act signed by President Lyndon B. Johnson in 1965. The Assistance Act provided funding for crime prevention, criminal rehabilitation, court administration, the hiring and retention of police officers, and police training.<sup>187</sup> In his remarks at the signing ceremony, Johnson highlighted the social welfare pieces of the Assistance Act, thereby addressing structural inequality by declaring that law enforcement should receive funding equal to housing, unemployment, mental health, education, transportation, and welfare. However, Johnson managed to relegate those social issues to the background as he affirmed his unwavering respect for the law as the "anchor of society." In addition, the Law Enforcement Assistance Act of 1965 provided "modern training, organization, and equipment" to guarantee police success. At the signing ceremony, President Johnson asserted that "the

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<sup>186</sup> Kramer and Michalowski, "The Iron Fist," 88.

<sup>187</sup> National Criminal Justice Reference Service, accessed 2020, <https://www.ncjrs.gov/pdffiles1/Digitization/134199NCJRS.pdf>.

policeman is the frontline soldier in our war against crime” and promised to support law enforcement “without hesitation.”<sup>188</sup>

By emphasizing the government’s role in the “preservation of law and order,” President Johnson invoked a racially coded term, which first entered mainstream American speech about a decade earlier in the 1950s.<sup>189</sup> Initially used by Southern government and law enforcement officials to prompt white opposition to the Civil Rights Movement, the term appealed to “old racist sentiment” and found new life during President Johnson’s tenure.<sup>190</sup> By acquiescing to the “law and order” constituency, Johnson moved away from his Great Society agenda and helped usher in the “tough on crime” era.

During the 1960s, racial tension between law enforcement and African Americans sparked deadly rioting across the U.S.—notably Watts (1965), Harlem (1967), Newark (1967), and Detroit (1967). In response, President Johnson directed the National Advisory Commission on Civil Disorders, led by Governor Otto Kerner Jr. (D-IL), to determine the cause of the civil disturbances and make

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<sup>188</sup> Lyndon Baines Johnson, “Statement by the President Following the Signing of Law Enforcement Assistance Bills,” (The American Presidency Project, September 22, 1965), <https://www.presidency.ucsb.edu/documents/statement-the-president-following-the-signing-law-enforcement-assistance-bills>.

<sup>189</sup> Johnson, “Statement by the President Following the Signing of Law Enforcement Assistance Bills.”

<sup>190</sup> Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: New Press, 2020). 50.



recommendations to avert future turbulence. The Kerner Commission noted that structural inequality—later studied by Ronald Kramer and Raymond Michalowski—existed as two “separate and unequal” societies based on race.<sup>191</sup> The promise of President Johnson’s racially egalitarian “Great Society” had not materialized, leading the Commission to recommend closing “the gap between promise and performance,” a move that more significant support from the federal government and white society.<sup>192</sup> Rather than return to his “Great Society” agenda, President Johnson conceded to the “law and order” neoconservatives and shifted his policies from a “War on Poverty” to a “War on Crime.”<sup>193</sup>

In 1968, President Johnson granted the Department of Justice more power over federal law enforcement agencies.<sup>194</sup> By identifying drugs as a “dangerous new threat,” Johnson determined that “public order” could only be

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<sup>191</sup> Jelani Cobb and Matthew Guariglia, *The Essential Kerner Commission Report* (New York: Liveright Publishing Corporation, 2021). 7.

<sup>192</sup> Cobb and Guariglia, *The Essential Kerner Commission Report*. 8.

<sup>193</sup> Elizabeth Hinton, “‘A War within Our Own Boundaries’: Lyndon Johnson’s Great Society and the Rise of the Carceral State,” *Journal of American History* 102, no. 1 (June 2015): 102, <https://doi.org/10.1093/jahist/jav328>.

<sup>194</sup> Lyndon B. Johnson, “Executive Order 11396,” (National Archives and Records Administration), accessed September 16, 2022, <https://www.archives.gov/federal-register/codification/executive-order/11396.html>.

restored through more police intervention.<sup>195</sup> Growing public support for the neoconservative wing of the Republican Party forced Johnson to forsake his “Great Society” advocacy in favor of a “tough on crime” policy. Rather than execute the Kerner Commission’s recommendations to address racial tensions, Johnson chose political expediency to pass the Omnibus Crime Control and Safe Streets Act of 1968. The measure—which increased funding and expanded police powers—contained, in President Johnson’s estimation, “more good than bad” but also magnified America’s structural inequality. Therefore, even President Johnson recognized how “tough on crime” policies can exacerbate social inequality.<sup>196</sup>

Listen To What The Man Says. At the beginning of the 1990s, progressive liberals hoped to break the neoconservative hold on the Executive Branch. Since the 1968 election of President Richard M. Nixon, the paternalistic “tough on crime” attitude remained largely untouched. However, by 1992, partisan infighting, a struggling economy, and a formidable third-party candidate (Ross

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<sup>195</sup> Lyndon B. Johnson, “Remarks upon Signing Order Providing for the Coordination by the Attorney General of Federal Law Enforcement and Crime Prevention Programs,” The American Presidency Project, February 7, 1968, <https://www.presidency.ucsb.edu/documents/remarks-upon-signing-order-providing-for-the-coordination-the-attorney-general-federal-law>.

<sup>196</sup> “Omnibus Crime Control and Safe Streets Act of 1968,” Office of Justice Programs, accessed October 19, 2022, <https://www.ojp.gov/ncjrs/virtual-library/abstracts/omnibus-crime-control-and-safe-streets-act-1968#:~:text=The%20Omnibus%20Crime%20Control%20and,at%20all%20levels%20of%20government.Johnson,> “Statement by the President Upon Signing the Omnibus Crime Control and Safe Streets Act of 1968.”

Perot) helped Bill Clinton and the Democrats break the Republican hold on the Presidency.

Positioning himself as a “New Democrat,” President Bill Clinton openly embraced the standard liberal policies. However, privately he refused to oppose the conservative movements to dismantle welfare and expand the criminal justice system. Despite his liberal pedigree, the white southerner appealed to some in the conservative ranks and was not above deploying racial “dog whistles” to court voters.<sup>197</sup> For instance, during the 1992 Presidential campaign, Bill Clinton blasted Reverend Jesse Jackson and his Rainbow Coalition for hosting rap singer Sister Souljah. Responding to a Washington Post interview, Clinton stated, “what she [Souljah] said really bothered me...[she] has a lot of influence over young people.”<sup>198</sup> In addition, at a prison near Stone Mountain, Georgia, then-candidate Clinton gave a “tough on crime” speech while flanked by incarcerated African American men.<sup>199</sup> Supporters might have dismissed Clinton’s campaign appearances as political theatre designed to appeal to conservative-leaning independents, but his “tough on crime” stance continued

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<sup>197</sup> Nicole Hemmer, *Partisans: The Conservative Revolutionaries Who Remade American Politics in the 1990s*. 106. (New York: Basic Books, 2022).

<sup>198</sup> Thomas B. Edsall, “Clinton Stuns Rainbow Coalition,” *Washington Post*, June 14, 1992, <https://www.washingtonpost.com/archive/politics/1992/06/14/clinton-stuns-rainbow-coalition/02d7564f-5472-4081-b6b2-2fe5b849fa60/>.

<sup>199</sup> Hemmer, *Partisans*, 106.

after assuming office, and he began shepherding the Violent Crime Control and Law Enforcement Act of 1994 through Congress.

On October 26, 1993, Representative Jack Brooks (D-TX) introduced six bills, collectively known as the Violent Crime Control and Law Enforcement Act, which amended the Omnibus Crime Control and Safe Streets Act of 1968. Continued funding for the 1968 Act came from a series of amendments from 1970 to 1986, and Brooks' measure was the latest. Congressman Brooks rebuked his colleagues for their "interminable debates over crime" while "blood is flowing in the streets; crime is on the rise; [and] recidivism is a depressing but terribly real fact of American life."<sup>200</sup> Brooks' proposal included conventional criminal justice methodology (more police) and alternatives (e.g., boot camps, drug treatment, and education), intending to build relationships between communities and local law enforcement and "[enhancing] public safety."<sup>201</sup> On November 1, 1993, Senator Joe Biden (D-DE) introduced his version of the Violent Crime Control and Law Enforcement Act, which complimented Representative Brooks' measure. Like its House of Representatives counterpart,

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<sup>200</sup> Jack Brooks, "Congressional Record," Congress.gov (Library of Congress), 26291-92, accessed October 22, 2022, <https://www.congress.gov/bound-congressional-record/1993/10/26/extensions-of-remarks-section>.

<sup>201</sup> "Congressional Record," Congress.gov (Library of Congress), accessed October 19, 2022, 26114, <https://www.congress.gov/bound-congressional-record/1993/10/26/extensions-of-remarks-section>.

the Senate bill included funding for community policing and money for boot camps and prisons.<sup>202</sup>

Seizing an opportunity to exploit the shifting political ideologies of American voters, President Bill Clinton commandeered the Brooks-Biden plans claiming them as his administration's signature piece of legislation. During his April 16, 1994, radio address, President Clinton gave direction to the Housing and Urban Development (HUD) Secretary, Henry Cisneros, by saying they would,

Provide emergency funds for [law] enforcement and [crime] prevention in gang-infested public housing. We'll put more police in public housing, crack down on illegal gun trafficking, and fill vacant apartments where criminals hide out. And we'll provide more programs like midnight basketball leagues to help our young people say no to gangs and guns, and drugs.<sup>203</sup>

Adding to the discourse on crime among elected officials, Representative Lee H. Hamilton (D-IN) highlighted the salience of crime in voters' minds noting that "voter unrest stems...from the poor economy and...the pervasive fear of violent crime," and politicians did little more than talk "tough on crime."<sup>204</sup>

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<sup>202</sup> "Congressional Record" Congress.gov (Library of Congress), accessed October 19, 2022, 26988, <https://www.congress.gov/bound-congressional-record/1993/11/01/139/senate-section/article/26925-26989>.

<sup>203</sup> William J. Clinton, "The President's Radio Address," The President's Radio Address (The American Presidency Project, April 16, 1994), <https://www.presidency.ucsb.edu/documents/the-presidents-radio-address-583>.

<sup>204</sup> Lee H. Hamilton, "Congressional Record," Congress.gov (Library of Congress), accessed October 22, 2022, 29958. <https://www.congress.gov/bound-congressional-record/1993/11/17/extensions-of-remarks-section>.

Representative Hamilton's observations validated President Clinton's position and reassured those in Congress who supported harsher anti-crime methodologies.

In contrast to the Democrats' proposals, a Republican-supported Senate bill passed through the chamber as a measure echoing President George H.W. Bush's legislative plans. The \$23 billion bill allocated funding for more police and prisons, federalized certain offenses and expanded the death penalty while adopting the "truth-in-sentencing" and "three strikes" guidelines.<sup>205</sup> The "truth-in-sentencing" provision reduced or eliminated good-time credits, requiring prisoners to serve a more significant portion of their sentence, while the "three strikes" initiative mandated life sentences for habitual violent offenders with three or more convictions. Some money was earmarked for crime prevention programs, but the amount was relatively modest. The Youth Violence Program anchored the crime prevention section, which included numerous programs, like Olympic Youth Development Centers and Job Corps. The Violent Crime Control and Law Enforcement Act budget swelled to \$33 billion after the House of Representatives added \$9 billion for crime prevention and other additions from the White House.<sup>206</sup> Still, the bill appeared poised to reach President Clinton's desk following a procedural House-Senate reconciliation during the 103<sup>rd</sup> Congress' summer recess.

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<sup>205</sup> Kramer and Michalowski, "The Iron Fist," 88.

<sup>206</sup> Kramer and Michalowski, "The Iron Fist," 93-94.

Minor differences between each chamber's measures were expected to be reconciled with little effort. However, the Racial Justice Act—one of the differences passed in the House of Representatives but failed in the Senate—presented a temporary obstacle.<sup>207</sup> The Racial Justice Act was introduced twice to the House of Representatives, first as H.R. 3329 by Representative John Conyers Jr. (D-MI) and then as H.R. 4017 by Representative Don Edwards (D-CA). The Racial Justice Act was developed in response to the U.S. Supreme Court's decision in *McCleskey v. Kemp* (481 U.S. 279, 1987), which held that states with a racially disparate number of death penalty sentences were not in violation of the Eighth Amendment unless it could be proven that race was factored into the sentencing decision. The goals of the Conyers and Edwards' bills were similar in their hope to prohibit a government (state or federal) from “imposing or carrying out the death penalty in a racially disproportionate pattern.”<sup>208</sup> Representative Conyers argued that “death penalty opponents and supporters alike should be appalled by the prospect that death sentencing decisions should turn on...race.”<sup>209</sup> By contrast, in the upper chamber of

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<sup>207</sup> Douglas Hartmann, *Midnight Basketball: Race, Sports, and Neoliberal Social Policy* (Chicago: University of Chicago Press, 2016). 96.

<sup>208</sup> John Conyers, “H.R. 3329 - Racial Justice Act of 1993,” Congress.gov (Library of Congress), accessed October 21, 2022, <https://www.congress.gov/bill/103rd-congress/house-bill/3329>. Don Edwards, “H.R. 4017 - Racial Justice Act,” Congress.gov (Library of Congress), accessed October 21, 2022, <https://www.congress.gov/bill/103rd-congress/house-bill/4017>.

<sup>209</sup> Don Edwards and John Conyers., Jr. “The Racial Justice Act-A Simple Matter of Justice.” *University of Dayton Law Review*. 20 (1994). 699.

congress, Senator Alfonse D'Amato (R-NY) opposed the inclusion of the Racial Justice Act, calling it a "quota bill" that would allow death row inmates to use statistics of racial bias rather than evidence to appeal their sentences. D'Amato said that "there is no other interpretation" but to conclude that the Racial Justice Act meant setting forth quotas in carrying out the death penalty.<sup>210</sup> The Conyers-Edwards Racial Justice Acts were the latest of more than a dozen measures introduced to address racial disparity in death penalty sentencing. The first Act was introduced in 1988, and none have passed.<sup>211</sup> During an exchange with reporters in St. Louis, Missouri, on June 24, 1994, President Clinton deflected a question about the Racial Justice Act, stating that he would "wait and see what the conference committee does," and the matter was soon dropped.<sup>212</sup> The public responses by Republican Senator D'Amato and Democratic President Clinton regarding the Racial Justice Act showed that neither party was willing to recognize how race was treated in the "tough on crime" agenda.

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<sup>210</sup> Katharine Q. Seelye, "Senate, in 58-41 Vote, Bars Race-Based Death Row Pleas," May 12, 1994, <https://www.nytimes.com/1994/05/12/us/senate-in-58-41-vote-bars-race-based-death-row-pleas.html>.

<sup>211</sup> Annika Neklason, "The 'Death Penalty's Dred Scott' Lives On," *The Atlantic*, June 14, 2019, <https://www.theatlantic.com/politics/archive/2019/06/legacy-mccleskey-v-kemp/591424/>.

<sup>212</sup> William J. Clinton, "Exchange With Reporters on Anticrime Legislation in St. Louis," (The American Presidency Project, June 24, 1994), <https://www.presidency.ucsb.edu/documents/exchange-with-reporters-anticrime-legislation-st-louis>.



Passage of the Violent Crime Control and Law Enforcement Act of 1994 appeared imminent. However, on August 11, 1994, during a special Congressional session to consider the reconciled bill, President Clinton and his supporters were dealt a procedural blow. The House of Representatives rejected the changes by a vote of 225 to 210.<sup>213</sup> Leading the opposition to the reconciled bill was Representative Newt Gingrich (R-GA). First elected to Congress in 1979, Gingrich quietly cultivated a network of *neoconservative* allies in Washington, D.C.

In 1989, when President George H.W. Bush appointed Dick Cheney to lead the Department of Defense, Gingrich rallied his House supporters and narrowly beat Edward Rell Madigan (R-IL) to become the Minority Whip. Gingrich used his new power to consolidate the *neoconservative* Republican wing of the House and openly clashed with Democratic colleagues.<sup>214</sup> Newt Gingrich actively steered the party from conciliation with liberal Democrats and toward the “Old Party” principles of the early twentieth century. Gingrich and his neoconservative allies hoped to return the country to its pre-New Deal days philosophically. The “Old Party” neoconservatives advocated for a southern border wall restricting non-white immigrants from entering the country, terminating affirmative action, and repealing civil rights legislation.<sup>215</sup> Projections of a Republican victory in the

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<sup>213</sup> Hartmann, *Midnight Basketball*, 96.

<sup>214</sup> Hemmer, *Partisans*, 60-61.

<sup>215</sup> Hemmer, *Partisans*, 11.

1994 midterm elections solidified Gingrich's position as the ranking GOP member in the House of Representatives. Despite the bipartisan compromises reached during the Crime Bill's reconciliation process, Gingrich orchestrated the bill's failure.

The reconciliation process eliminated the Racial Justice Act under the pretext of "color-blind" law enforcement. However, the August 11<sup>th</sup> Crime Bill debates on the House floor before the vote were punctuated with racially coded rhetoric by the bill's supporters and opponents.

For example, Representative Sanford Bishop (D-GA) supported the Crime Bill "to restore sanity and security to the streets of America." Specifically, he endorsed the "three strikes" provision and crime prevention programs encouraging "family values" (a racially coded term).<sup>216</sup> According to Elaine Tyler May, a professor of American Studies and History at the University of Minnesota, "family values" is a coded term relating to class and race. As an umbrella term, the implication is that wrong "family values" are practiced by single mothers receiving welfare assistance, with an explicit nod toward African American women. Politicians—usually conservatives—blame society's decline on the lack of proper "family values." The term also perpetuates the myth that traditional nuclear families can successfully combat the ill effects of poverty and drugs, thus

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<sup>216</sup> Sanford Bishop, "Congressional Record," Congress.gov (Library of Congress), accessed October 24, 2022, 21517. <https://www.congress.gov/bound-congressional-record/1994/08/11/140/house-section>.

reducing crime.<sup>217</sup> In his opposition to the Crime Bill, Representative Jimmy Duncan (R-TN) invoked “family values” by citing both his personal experience as a criminal court judge and a column in the *Washington Times* written by Mona Charen. Duncan was “convinced that the greatest problem...is the fact that so many homes are broken,” an implication supported by Charen’s column. Mona Charen wrote that children from single-parent households (i.e., an absent father) are likelier to become rapists or murderers. Charen opined that men are more easily detached from their children, making it easier for them to leave home.<sup>218</sup> The emphasis placed on “family values” by Representatives Bishop and Duncan expresses the paternalism lawmakers felt inclined to impose upon a specific class through the Violent Crime Control and Law Enforcement Act of 1994.

Beyond the racial coding, critics of the 1994 Crime Bill raised several other objections, connecting beneficiaries of the bill’s crime prevention efforts to wasteful spending and sexually transmitted diseases. Representative Michael Huffington (R-CA) opposed the Crime Bill because of the proposed spending on “arts programs, midnight basketball programs, self-esteem programs,

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<sup>217</sup> Elaine Tyler May, “‘Family Values’: The Uses and Abuses of American Family History,” *Revue Française d’Etudes Américaines* 97, no. 3 (2003): 5, <https://doi.org/10.3917/rfea.097.0007>.

<sup>218</sup> Jimmy Duncan, “Congressional Record,” Congress.gov (Library of Congress), accessed October 24, 2022, 21573. <https://www.congress.gov/bound-congressional-record/1994/08/11/140/house-section>.

and...social welfare.”<sup>219</sup> Another lawmaker, Representative Randall “Duke” Cunningham (R-CA), weaponized the term “midnight basketball,” attacked gun control, and interjected fears about Human Immunodeficiency Virus and Acquired Immunodeficiency Syndrome (HIV/AIDS). In a strange imagining of a scene from the television show *Gunsmoke*, Cunningham said,

Marshall Dillon do not worry about the hole-in-the-wall gang. They are not going to cause you any more problems because we took the carbines away from Dodge residents. By the way, Marshall Dillon, the prisoners you have in jail, we are going to give them dance lessons. Miss Kitty, those folks down at the Long Branch Saloon, no problem, we have got 40,000 social workers to take care of them, and if they still get rowdy, we have got a midnight basketball program for all those cowboys. But they have to be 2 percent HIV positive. You do not have to work past midnight.<sup>220</sup>

Representative Cunningham’s dog whistles went beyond his musings via *Gunsmoke*’s fictionalized Dodge City characters when he referred to Magic Johnson—a prominent African American National Basketball Association (NBA) star who, in 1991, was diagnosed as HIV positive. Cunningham speculated, “maybe Magic Johnson could play in this [midnight basketball] league, but I don’t want my kids to play in it.”<sup>221</sup>

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<sup>219</sup> Michael Huffington, “Congressional Record,” Congress.gov (Library of Congress), accessed October 24, 2022, 21517. <https://www.congress.gov/bound-congressional-record/1994/08/11/140/house-section>.

<sup>220</sup> Randall Cunningham, “Congressional Record,” Congress.gov (Library of Congress), accessed October 24, 2022, 21521. <https://www.congress.gov/bound-congressional-record/1994/08/11/140/house-section>.

<sup>221</sup> Hartmann, *Midnight Basketball*, 106.

Representative Cunningham’s allusion to HIV/AIDS was echoed by Representative Cliff Stearns (R-FL), who stated that the conditions of a Midnight Basketball League mandated that “one-half of the players have to live in public housing and...the games have to be played in communities which have [a] high incidence of sexually transmitted diseases.”<sup>222</sup> Stearns did not provide evidence to support his contention about sexually transmitted diseases. However, the statements made by Representatives Cunningham and Stearns linked the Crime Bill’s social welfare programs, specifically Midnight Basketball, to race while also suggesting hypersexuality among its participants.

During the August 11, 1994, floor debates, Representative Ronald Machtley (R-RI)—who was among the Republicans who voted against the bill—chose to have an essay on the Crime Bill written by John Dilulio, a professor of Politics, Religion, and Civil Society at the University of Pennsylvania, added to the Congressional record. Providing one of the most valuable critical assessments of the Crime Bill, Dilulio’s essay did not oppose the social welfare and crime prevention programs included in the Crime Bill, although he did say, “there is a fair amount of silly business in this bill...midnight basketball may be [a]

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<sup>222</sup> Cliff Stearns, “Congressional Record,” Congress.gov (Library of Congress), accessed October 24, 2022, 21549. <https://www.congress.gov/bound-congressional-record/1994/08/11/140/house-section>.

silly business.”<sup>223</sup> Dilulio points out that neighborhoods associated with high crime are often victimized by a small group of probationers and parolees who “circulate in and out of poor minority urban neighborhoods, repeatedly victimizing their truly disadvantaged neighbors.” This contrasts with the perception that many urban black men were engaged in crime. Although, Dilulio also recognized the lack of resources in those urban neighborhoods, “this bill...contains no racial justice provision. But the logic of that provision.”<sup>224</sup> In the end, racial prejudice thwarted provisions in the bill that would have addressed the root causes of crime. Critics of the bill, such as Representative Richard Arme y (R-TX), dismissed the rehabilitative programs and instead claimed that “our children do not need midnight basketball, our children do not need more arts and crafts, our children do not need more sensitivity training. Our children need law enforcement, good jurisdiction, imprisonment for criminals, and safety on their streets.”<sup>225</sup> This punitive approach to crime prevention advocated by lawmakers like Representatives Machtley and Arme y influenced the legislation to expand police and prisons, despite the analysis of John Dilulio.

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<sup>223</sup> Ronald Machtley, “Congressional Record,” Congress.gov (Library of Congress), accessed October 24, 2022, 21550.  
<https://www.congress.gov/bound-congressional-record/1994/08/11/140/house-section>.

<sup>224</sup> Machtley, “Congressional Record,” 21551-52.

<sup>225</sup> Richard Arme y, “Congressional Record,” Congress.gov (Library of Congress), accessed October 24, 2022, 21556.  
<https://www.congress.gov/bound-congressional-record/1994/08/11/140/house-section>.

Some in the House chamber rose to defend midnight basketball and other sports programs. Representative Nancy Pelosi (D-CA) applauded the Midnight Basketball League at the Ella Hill Hutch Community Center in San Francisco, which took “nearly 100 young men—disadvantaged, unemployed, and at-risk—and [gave] them a second chance at education and employment.”<sup>226</sup> Pelosi also spoke about the midnight soccer program in the Mission District. The soccer league operated as a partnership between the Columbia Park Boys Club and the Young Women’s Christian Association (YWCA), which worked to break the cycle of gang violence. Midnight basketball and midnight soccer were “making a valuable contribution to crime prevention and, more important, helping young people lead productive lives,” Pelosi insisted.<sup>227</sup> Representative Bruce Vento (D-MN) also spoke in support of the Crime Bill and noted that programs included in the bill—Community Schools Initiative, Youth Employment Skills (YES), and midnight sports—provided “young people hope and opportunity...a haven from the streets where they [could] develop values such as responsibility, teamwork, leadership, and self-esteem.”<sup>228</sup> Representatives Pelosi and Vento’s positions on

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<sup>226</sup> Nancy Pelosi, “Congressional Record,” Congress.gov (Library of Congress), accessed October 24, 2022, 21563. <https://www.congress.gov/bound-congressional-record/1994/08/11/140/house-section>.

<sup>227</sup> Pelosi, “Congressional Record,” 21563.

<sup>228</sup> Bruce Vento, “Congressional Record,” Congress.gov (Library of Congress), accessed October 24, 2022, 21560. <https://www.congress.gov/bound-congressional-record/1994/08/11/140/house-section>.

the Crime Bill aligned with the holistic approach to crime suppression advocated by John Dilulio. However, the neoconservative shift in the national political landscape favored criminal punishment over prevention.

Following the initial bill's defeat in the House of Representatives, President Clinton spoke at a press conference and admonished the 225 members who "participate[d] in a procedural trick orchestrated by the National Rifle Association [and] heavily pushed by the Republican leadership."<sup>229</sup> But President Clinton continued, "did I lose tonight? You bet I did...what happens to me is not it. What matters is all these kids that are going to be out on the street tonight."<sup>230</sup>

The next day, August 12, 1994, President Clinton spoke to the National Association of Police Organizations in Minneapolis, Minnesota. Clinton referred to the previous day's defeat of the Crime Bill and used the speech to garner more support for the legislation. However, he also reiterated some of the *paternalistic* language voiced in opposition to the bill saying,

It makes my blood boil when I hear people talking about pork. Because you see, I have seen the eyes of schoolchildren after the D.A.R.E. [Drug Abuse Resistance Education] officer has talked to

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<sup>229</sup> William J. Clinton, "Remarks and an Exchange With Reporters on Anticrime Legislation," (The American Presidency Project, August 11, 1994), <https://www.presidency.ucsb.edu/documents/remarks-and-exchange-with-reporters-anticrime-legislation>.

<sup>230</sup> Clinton, "Remarks and an Exchange."



them...and how it affected all those kids who never had a daddy at home to say, "This is right" or "This is wrong."<sup>231</sup>

Support from the Senate chamber echoed the Crime Bill's positive aspects, but the opposition's rhetoric carried over. On August 12, 1994, Senator Joe Biden (D-DE), who introduced S. 1607 as an early version of the Crime Bill, defended the prevention spending. He warned against increased funding to keep “building prisons and producing enough criminals to put them in.”<sup>232</sup> However, Biden integrated stark imagery and racially coded messaging when he described “neighborhoods [as] virtual combat zones” and touted prevention programs that included “activities...supervised by responsible adults, not by the thugs out on the corner.”<sup>233</sup> Despite his support for the more progressive initiatives in the Crime Bill, Biden’s comments are nearly indistinguishable from the bill’s opponents, which showed that the defamation of black communities transcended political party affiliation.

On August 21, 1994, the House of Representatives passed a revised bill 235 to 195, but not along party lines as sixty-four Democrats voted in opposition.

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<sup>231</sup> William J. Clinton, “Remarks to the National Association of Police Organizations in Minneapolis, Minnesota,” (The American Presidency Project, August 12, 1994), <https://www.presidency.ucsb.edu/documents/remarks-the-national-association-police-organizations-minneapolis-minnesota>.

<sup>232</sup> Joe Biden, “Congressional Record,” Congress.gov (Library of Congress), accessed October 24, 2022, 22062. <https://www.congress.gov/bound-congressional-record/1994/08/12/140/senate-section>.

<sup>233</sup> Biden, “Congressional Record,” 22062.

Forty-six Republicans voted for passage, including Representatives Michael Huffington (R-CA) and Ronald Machtley (R-RI). The Senate voted on the Crime Bill on August 25, 1994, which passed sixty-one to thirty-eight. The final version of the bill included allocations for more police (100,000 new officers), more prison funding (\$9.7 billion), and crime prevention funding (\$6.1 billion).<sup>234</sup> Of the overall \$33 billion budget, the Crime Bill allocated \$300 million for in-school programs, \$125 million for the “Ounce of Prevention” program and Olympic training centers, and \$100 million per year for five years for after-school programs.<sup>235</sup> The Midnight Basketball Leagues and other “midnight sports league programs” shared \$50 million of the crime prevention money with the contingency that players attend employment counseling and training as part of the games.<sup>236</sup> Among each of the prevention programs that received funding from the Crime Bill, only midnight sports were explicitly mentioned in the Congressional debates.

On November 2, 1994, before the midterm elections, President Clinton sat down for an interview with Ed Gordon from the Black Entertainment Television (BET) network. During the interview, Mr. Gordon confronted the President—who

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<sup>234</sup> “1994 Violent Crime Control and Law Enforcement Act,” Office of Justice Programs, accessed October 27, 2022, <https://www.ojp.gov/ojp50/1994-violent-crime-control-and-law-enforcement-act>.

<sup>235</sup> Hartmann, *Midnight Basketball*, 107.

<sup>236</sup> Hartmann, *Midnight Basketball*, 107, Jack Brooks, “H.R.3355 - 103rd Congress (1993-1994): Violent Crime Control and Law Enforcement Act of 1994,” Congress.gov (Library of Congress), accessed October 28, 2022, <https://www.congress.gov/bill/103rd-congress/house-bill/3355>.

had spoken the night before at Antioch Baptist Church in Cleveland, Ohio—about Clinton’s use of racially coded language. Gordon said:

Address the criticism for me as you move toward election time—because it doesn't just speak to you as a person, it speaks to politicians in general—that the fact that you feel comfortable in a black church is all well and good, yet some of the rhetoric that you may give speaks to some of the same code words that they're concerned about.

President Clinton avoided directly responding to the criticism and pivoted, touting his administration’s successes. To make his point, the President turned to the Crime Bill and said,

All the big battles...were on the prevention programs on the positive programs...some of those prevention programs had been sponsored and put into the bill by Republican Members of Congress. And then, as soon as we got close to the election, they turned like a dog in the night on that bill and started talking about how it was just a pork bill and just a giveaway and how midnight basketball was terrible.

President Clinton finished his response with a statement that hit upon a paternalistic theme, “that crime bill gives communities the tools to make a difference in young people's lives if they will use it.”<sup>237</sup>

The election of Bill Clinton in 1992 promised a potential shift away from the neoconservative politics of the previous twelve years. Instead, betraying that possibility, the Clinton administration operated with a “business as usual” approach and embraced Republican policies. Recognizing an opportunity to

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<sup>237</sup> William J. Clinton, “Interview with Ed Gordon of Black Entertainment Television,” (The American Presidency Project, November 2, 1994), <https://www.presidency.ucsb.edu/documents/interview-with-ed-gordon-black-entertainment-television>.

wrest control from the Democrats, Representative Newt Gingrich began a smear campaign that labeled Democrats as “soft on crime” and unable to restore “law and order.” The Republicans weaponized race-neutral terminology and used it in their debates to stop the Violent Crime Control and Law Enforcement Act from becoming law. By combining terms like “family values” with crime, opponents of the bill could frame single-parent or non-traditional households as the cause and effect of crime. Despite several crime prevention programs in the Crime Bill, by focusing on the midnight sports leagues—primarily Midnight Basketball, which targeted inner-city youth—politicians could allude to race without uttering an offensive phrase. The language was so pervasive that even supporters—and one sponsor, Senator Joe Biden—of the bill could not resist employing the term “thug.” The rhetoric used in the Congressional chambers reached the broadcast airwaves. Soon, the emerging right-wing talk radio personalities would parrot what politicians were saying in opposition to the Crime Bill. Radio hosts blurred the lines between information, political opinion, and entertainment, and racially coded terminology became a not-so-secret language among the audience. Newt Gingrich’s hopes of restoring the Republican party to “old” right, anti-New Deal, pre-Civil Rights positions began taking shape, and the midterm election of 1994 showed his influence. Only one other person would yield as much power, and he used the broadcast media to drive a wedge into society. His name was Rush Limbaugh.

This chapter outlined the establishment of the Violent Crime Control and Law Enforcement Act of 1994, paying particular attention to how conceptions of African Americans played into the policy and subsequent debates. We have seen how lawmakers on all sides of the discussion embraced stereotypical notions of black men as inclined toward criminality and social deviance. Moreover, this chapter shows President Lyndon Johnson's abandonment of the "war on poverty" in favor of the "tough on crime" agenda, which was a key antecedent to the crime policies of the 1990s, including the Clinton years.

## CHAPTER FOUR

### RUSH LIMBAUGH HAS SOMETHING TO SAY

#### The Grand Old Party

The neoconservative movement is often attributed to Ronald Reagan in the 1980s, but it dates back as early as the Republican opposition to President Franklin D. Roosevelt's "New Deal" of the 1930s. Then later, when President Lyndon B. Johnson introduced his "Great Society" in the 1960s, this neoconservative wing of the Republican party reemerged, denouncing the "Great Society" programs as federal government overreach. Nevertheless, Reagan was a pivotal figure, and his influence was already apparent in the 1960s when he was Governor of California (1967-75). Governor Reagan joined other leading 1960s neoconservatives like Senator Barry Goldwater and Pat Buchanan in pushing back against the "liberal agenda" that created a "permissive society" that "hamstrung" police and allowed "jungle paths" to flourish throughout America's cities.<sup>238</sup> Reagan also opposed the Civil Rights, Voting, and Fair Housing Acts, saying that "if an individual wants to discriminate against Negroes or others in selling or renting his house, it is his right to do so."<sup>239</sup>

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<sup>238</sup> Nicole Hemmer, *Partisans: The Conservative Revolutionaries Who Remade American Politics in the 1990s* (New York: Basic Books, 2022). 25.

<sup>239</sup> Hemmer, *Partisans*, 25.

Ronald Reagan's opinions and eventual election to president illustrate the shifting political attitudes that fostered a conservative turn in American society. Moreover, by the 1980s, his statements and policy positions implicitly condoned the white grievance politics of the new wave of radio "shock jocks." The attitudinal shift of the Republican party to a pre-Great Society, pre-New Deal, Old Party agenda benefitted the likes of Congressman Newt Gingrich and radio host Rush Limbaugh. This chapter will examine how Gingrich, Limbaugh, and others took advantage of the political climate and influenced the public through racially coded language and paternalistic policies.

### Two Paths, One Destination

Rush Limbaugh had no interest in politics, not initially. Although born into a family of politicians, attorneys, and jurists with deep ties to the Missouri Republican Party, Rush Hudson Limbaugh III was more interested in radio and baseball. Limbaugh managed to "inherit" his father's talent for persuasive public speaking, which would help his radio career, but he lacked the discipline to pursue a legal career.<sup>240</sup> Although his father saw Limbaugh's attempts at a broadcasting career as youthful folly, he tacitly encouraged his son. In 1967, as part owner of KGMO-AM in Cape Girardeau, Missouri, the elder Limbaugh was able to secure a part-time gig for "Rusty Sharpe"—Limbaugh's on-air name. By the late 1960s, FM radio stations—implementing "album-oriented rock" (AOR)

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<sup>240</sup> Michael Arkush, *Rush!* (New York: Avon Books, 1993). 1-15.

formats—drew listeners away from AM radio, but Limbaugh was uninterested in pursuing a career in the new format. In 1971, Limbaugh—now known as Jeff Christie—began working at WIXZ-AM (a music station) in Pittsburgh, Pennsylvania, where he added his opinion and commentary between songs.<sup>241</sup> Although still apolitical on-air, Limbaugh was crafting a personality with a ready opinion on any subject.

Unlike Rush Limbaugh, Newt Gingrich (né McPherson) felt summoned to the political arena from a young age, calling it “the most effective thing [he] could do to ensure that the U.S. would remain free.”<sup>242</sup> As a high school student, Gingrich volunteered for Richard Nixon’s 1960 ill-fated presidential campaign, and the disappointment fueled his aspirations. Following the election, Gingrich became enamored of Theodore White’s book, *The Making of the President, 1960*.<sup>243</sup> In the book, White blamed Nixon’s failed presidential run on his inability to articulate the pressing issues of the time, a shortcoming that Gingrich vowed not to repeat.<sup>244</sup> Another weapon in White’s prose that Gingrich used was racially coded messaging. White referred to Kennedy-supporting minorities as “tribal

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<sup>241</sup> Arkush, *Rush!* 39-40.

<sup>242</sup> Julian E. Zelizer, *Burning Down the House: Newt Gingrich, the Fall of a Speaker, and the Rise of the New Republican Party* (New York: Penguin Books, 2021). 18.

<sup>243</sup> Zelizer, *Burning Down the House*, 19-20.

<sup>244</sup> Allan P. Sindler, “The Making of the President, 1960.,” *Political Science Quarterly* 77, no. 2 (1962): 288, <https://doi.org/10.2307/2145886>.



communities” and the bastions of the Republican Party as “regulars.”<sup>245</sup> In 1968, Gingrich volunteered for Nelson Rockefeller’s presidential campaign. Richard Nixon defeated Rockefeller in the Republican primaries, and Gingrich was impressed with the “pugnacious attitude” with which Nixon dispatched his political opponents.<sup>246</sup>

By 1979, Rush Limbaugh and Newt Gingrich were on opposite career trajectories. Limbaugh’s caustic attitude toward his bosses and audience led KFIX-FM in Kansas City, Missouri, to fire him from a nighttime call-in talk show. Meanwhile, Gingrich incorporated Barry Goldwater-esque neoconservative attitudes into his persona and won an election to the U.S. House of Representatives as Georgia’s Sixth Congressional District representative.<sup>247</sup> As soon as the 96<sup>th</sup> Congress opened, Gingrich became a House policeman, “calling out corruption wherever he saw it.”<sup>248</sup> Gingrich thought that by being an “anti-corruption” crusader, he could move into a leadership position faster than taking a conventional route. So he decided to target Congressman Charles Diggs (D-MI), a founding member of the Congressional Black Caucus and renowned civil rights activist. In 1978, Representative Diggs was convicted of mail fraud and

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<sup>245</sup> Sindler and White, “The Making of the President,” 289., Zelizer, *Burning Down the House*, 20.

<sup>246</sup> Zelizer, *Burning Down the House*, 22.

<sup>247</sup> Arkush, *Rush!* 58, Zelizer, *Burning Down the House*, 33.

<sup>248</sup> Zelizer, *Burning Down the House*, 38.

other charges; while awaiting sentencing, he won re-election, garnering seventy-nine percent of the vote.<sup>249</sup> In a conciliatory gesture, Diggs relinquished his chairmanship of the powerful House District of Columbia Committee—a predecessor of the House Committee on Oversight and Government reform—but held on to a similar position on a subcommittee. However, Diggs' move did not appease Representative Gingrich, who lobbied the House Ethics Committee to launch an investigation.<sup>250</sup>

Representative Gingrich was either undeterred or unaware of the optics of targeting Michigan's first African American congressman. Charles Diggs was first elected to Congress in 1954 and became an influential member of the House during his tenure. Newt Gingrich was the first Republican to represent Georgia's sixth district, and he utilized the "southern strategy" of manipulating "racial fears" during his campaign.<sup>251</sup> Gingrich also portrayed himself as a reformer who would go after "liberal extremists" and "welfare cheaters," but he distanced himself from racist accusations by claiming to be one of the few Republicans who supported a national holiday and a monument to honor Dr. Martin Luther King Jr.<sup>252</sup>

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<sup>249</sup> Zelizer, *Burning Down the House*, 39.

<sup>250</sup> Zelizer, *Burning Down the House*, 39.

<sup>251</sup> Jason W. Gilliland, "The Calculus of Realignment: The Rise of Republicanism in Georgia, 1964-1992," *The Georgia Historical Quarterly* 96, no. 4 (2012): 432, <https://www.jstor.org/stable/43855869>.

<sup>252</sup> Gilliland, "The Calculus of Realignment," 438., Zelizer, *Burning Down the House*, 43.

A few years later, in 1983, Rush Limbaugh was unemployed. After a short stint with the Kansas City Royals baseball team, he yearned to return to radio. Limbaugh had been away from the medium for several years, but KMBZ-FM in Kansas City, Kansas, allowed him to return, and he found some local success while honing his controversial persona.<sup>253</sup> During his time at KMBZ, Limbaugh re-discovered politics, but unlike his family members who approached policymaking with reverence, Limbaugh mined political topics for their shock value. Limbaugh used his radio pulpit to rail against feminism and civil rights and caught the ire of the National Organization of Women (NOW), who labeled him a “sexist.” Angry letters were sent to the editors of the *Kansas City Star*, chiding KMBZ for employing Limbaugh despite his discriminatory attacks on women and African Americans.<sup>254</sup> However, instead of terminating Limbaugh, the station sent its bombastic host to cover the 1984 Republican National Convention in Dallas, Texas. Limbaugh spent his time in Dallas establishing a relationship with the influential conservative writer George Will instead of submitting any reports about the convention.<sup>255</sup> Limbaugh was fired from KMBZ but quickly found a position at KFBK-AM in Sacramento, California.<sup>256</sup> He flourished at the Northern California station, where the only direction he received was to be “authentic and polite.”

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<sup>253</sup> Arkush, *Rush!* 81-83.

<sup>254</sup> Arkush, *Rush!* 84-88.

<sup>255</sup> Hemmer, *Partisans*, 95.

<sup>256</sup> Arkush, *Rush!* 97, 106.

Limbaugh understood the order to mean that he could be edgy without alienating sponsors, which he did while attacking liberal causes (i.e., feminism, animal rights, and nuclear disarmament) and solidifying his conservative credentials. Unlike his mentor George Will, Limbaugh was uninterested in engaging with traditional conservative works; instead, he focused his wrath on “liberal hypocrisy” and “political correctness.” The “ridiculing the left” formula boosted Limbaugh’s popularity in Sacramento, and word of mouth within the radio industry advanced his status from local curiosity to national celebrity.<sup>257</sup> On August 1, 1988, Rush Limbaugh launched the Excellence in Broadcasting Network (EIB). His show debuted on fifty-six radio stations nationwide, with WABC-AM, New York (EIB’s broadcast home), the only top ten market outlet.<sup>258</sup> As the decade ended, Newt Gingrich and Rush Limbaugh became nationally recognized names in influential positions, and during the 1990s, each man took advantage of their status to release their respective agendas to the American public.

The New Old-Fashioned Way. In 1987, the Federal Communications Commission (FCC) voted unanimously to suspend enforcement of the Fairness Doctrine in broadcast media. Initially adopted in 1949, the Fairness Doctrine required licensed broadcasters to grant parties with opposing political views equal airtime. However, by the 1980s, Republicans argued that the Fairness

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<sup>257</sup> Hemmer, *Partisans*, 98-99.

<sup>258</sup> Arkush, *Rush!* 160.

Doctrine infringed upon television and radio station owners' First Amendment protections.<sup>259</sup> No longer bound by the Fairness Doctrine, television and radio station owners—dominated by media conglomerates—targeted specific demographics and kept them engaged longer. Conservative talk radio flourished in the wake of the FCC's decision, and the airwaves were soon congested with right-wing hosts.

Rush Limbaugh's talent and ability to connect with his audience propelled him to the front of talk radio's crowded field, and by 1992, he was the medium's top personality. Limbaugh hosted a syndicated television show in addition to his eponymous radio show, which at the time was broadcast over four hundred radio stations, and—according to Arbitron, a broadcast rating service—his core audience was white males between twenty-five and fifty-four. This was also the primary demographic target for Newt Gingrich and the neoconservative Republicans.<sup>260</sup> However, Limbaugh's influence reached far beyond his radio audience. In 1993 the *National Review* (a conservative magazine) ran a cover story on Limbaugh, branding him the “Leader of the Opposition” (a reference to

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<sup>259</sup> Deborah Yao, “FCC to Kill 'Fairness Doctrine' in Nod to GOP,” *SNL Kagan Media & Communications Report*, August 23, 2011, <https://www.proquest.com/docview/885443408?parentSessionId=XFo4GQT%2FxsLdsBm5z5prx9xB5fvVlxXYnPdyL%2F0vKsA%3D&accountid=10359#>.

<sup>260</sup> Arkush, *Rush!* 198., Unknown, “14. Demographics and Lifestyle Differences among Typology Groups,” Pew Research Center - U.S. Politics & Policy (Pew Research Center, January 24, 2022), <https://www.pewresearch.org/politics/2021/11/09/demographics-and-lifestyle-differences-among-typology-groups/>.

the Democratic majority). Then in 1994, conservative Supreme Court Justice Clarence Thomas officiated Limbaugh's wedding to Marta Fitzgerald.<sup>261</sup> As Rush Limbaugh's political connections increased, so did his media presence, and 1994 stood out as a pinnacle year for him. The television show was a rating success, and his radio show was now carried by more than six hundred stations—simulcast on C-SPAN, which projected credibility upon Limbaugh's tirades.<sup>262</sup>

Just as Limbaugh's public reach expanded, Newt Gingrich improved his political position. The fifty-one-year-old House Minority Whip envisioned a "new" Republican Party rooted in pre-New Deal conservatism. Gingrich leaned into the neoconservative message of welfare reform and "law and order" policing to craft his "contract with America."<sup>263</sup> Gingrich openly targeted funding for the newly passed Violent Crime Control and Law Enforcement Act of 1994—which passed the House of Representatives on August 21, 1994—but privately sought a compromise with the party's moderate wing.<sup>264</sup>

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<sup>261</sup> FAIR, "The Way Things Aren't," FAIR (Fairness and Accuracy in Reporting, July 1, 1994), [https://fair.org/home/the-way-things-arent/?fbclid=IwAR0vQOkLZ8\\_kVpX\\_PH1SGgWe8vhp419PiWvRhII9wOCfUun34hfCYHMrp1g](https://fair.org/home/the-way-things-arent/?fbclid=IwAR0vQOkLZ8_kVpX_PH1SGgWe8vhp419PiWvRhII9wOCfUun34hfCYHMrp1g).

<sup>262</sup> Gerald F. Seib, *We Should Have Seen It Coming: From Reagan to Trump--A Front-Row Seat to a Political Revolution* (New York: Random House, 2021).101.

<sup>263</sup> Hemmer, *Partisans*, 125.

<sup>264</sup> Hemmer, *Partisans*, 135.

Operation Restore Democracy. In 1992, Rush Limbaugh supported Pat Buchanan and then George H.W. Bush in their presidential runs, so by 1994, he was eager to back a winner, and to that end, he launched “Operation Restore Democracy” on his radio show.<sup>265</sup> Limbaugh praised every Republican candidate while linking each Democrat to President Bill Clinton. Limbaugh derided any Democrat who dared challenge him, prompting the *New York Times* to christen him the “national precinct captain for the Republican insurgency of 1994.”<sup>266</sup>

Newt Gingrich’s efforts to stifle the Fairness Doctrine gave Limbaugh more opportunities to push the Republican agenda over the radio airwaves uncontested. It also emboldened Limbaugh, whose talent as a public speaker allowed him to pass off racially charged “dog whistles” as entertainment. One of his favorite targets was Carol Moseley-Braun, the first African American woman U.S. Senator. Limbaugh would play the theme song, “Movin’ On Up,” from the television show *The Jefferson’s* whenever Moseley-Braun was mentioned.<sup>267</sup> The implication was that Moseley-Braun, like the fictional *Jefferson’s* characters, was comically moving to an exclusive whites-only neighborhood. In addition, Limbaugh referred to the National Basketball Association (NBA)—in 1994, nearly eighty percent of the players were African Americans—as the “Thug Basketball

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<sup>265</sup> Hemmer, *Partisans*, 129.

<sup>266</sup> Hemmer, *Partisans*, 129.

<sup>267</sup> Steve Rendall and Jeff Cohen, “Limbaugh: A Color Man Who Has a Problem with Color?” FAIR, February 18, 2021, <https://fair.org/article/limbaugh-a-color-man-who-has-a-problem-with-color/>.

Association” and suggested the teams call themselves “gangs.”<sup>268</sup> Limbaugh’s racially-charged language empowered what Nicole Hemmer, Associate Professor at Vanderbilt University, called “the angry white male.”<sup>269</sup> The historic number of women elected to the U.S. Senate may have resulted in labeling 1992 as the “Year of the Woman,” but Limbaugh and the “angry white males” had other ideas. Limbaugh and his shock jock contemporaries (primarily white males) lashed out at the liberal policies gaining traction in the early 1990s, feminism, gay rights, and Black empowerment.<sup>270</sup> When the debates over the Violent Crime Control and Law Enforcement Act of 1994 moved out of the Congressional chambers and into the public sphere, Limbaugh used his proven racially coded tactics to attack the Midnight Basketball League.

Rather than distance themselves from Limbaugh’s “dog-whistles,” prominent members of the Republican Party gravitated toward the radio host. Newt Gingrich was a frequent guest on the show, and Limbaugh boasted about his many chats with “Mr. Newt.”<sup>271</sup> In addition, William Bennett, Ronald Reagan’s Secretary of Education (1985-1988) and George H.W. Bush’s Director of the

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<sup>268</sup> Andrew Seifter, “Limbaugh on the NBA: ‘Call It the TBA, the Thug Basketball Association ... They’re Going in to Watch the Crips and the Bloods,’” *Media Matters for America*, 2014, <https://www.mediamatters.org/rush-limbaugh/limbaugh-nba-call-it-tba-thug-basketball-association-theyre-going-watch-crips-and>.

<sup>269</sup> Hemmer, *Partisans*, 140.

<sup>270</sup> Hemmer, *Partisans*, 140.

<sup>271</sup> Hemmer, *Partisans*, 158.



Office of National Drug Control Policy (1989-1990), praised Limbaugh as “the most consequential person in political life at the moment.”<sup>272</sup> But the greatest praise Limbaugh received came from Ronald Reagan, the former President, and conservative icon sent a letter that read,

Dear Rush, now that I've retired from active politics. I don't mind that you have become the Number One voice for conservatism in our Country. I know the liberals call you the most dangerous man in America but don't worry about it; they used to say the same thing about me. Keep up the good work. America needs to hear 'the way things ought to be.'

The Republican leadership gave Limbaugh—and his racially coded message—legitimacy; in return, Limbaugh sold Republican paternalism to the public. Newt Gingrich may not have been as complimentary toward Limbaugh as Reagan was, but he understood the value and reach of conservative talk radio. Earlier in his career, Gingrich silently listened as conservative talk radio targeted Speaker of the House Jim Wright (D-TX), leading to Wright's resignation from Congress. Gingrich learned that isolated attacks and hyperbole disguised as politics could sway public opinion in his favor.<sup>273</sup>

Contract with America. By 1993 Newt Gingrich's power among House Republicans was unchallenged, and it emboldened him to lead the charge against President Bill Clinton's proposed tax and health care reform legislation.

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<sup>272</sup> David Remnick, “Day of the Dittohead,” *The Washington Post* (WP Company, February 20, 1994), <https://www.washingtonpost.com/archive/opinions/1994/02/20/day-of-the-dittohead/e5723f05-04d8-4ccb-98c9-8b1ba6c358d2/>.

<sup>273</sup> Zelizer, *Burning Down the House*, 174.

Although the Democrats successfully passed a tax increase, Gingrich and the Republicans succeeded in stopping the health care reform initiative. Gingrich used the outcomes for political gain to portray the Democrats—and Clinton specifically— as “big-government liberals,” the antithesis of the fiscally responsible neoconservatives.<sup>274</sup>

Newt Gingrich’s “Contract with America” was touted as a ten-point plan highlighting many of the neoconservative policies he championed; a balanced budget, increased defense spending, congressional reforms, and “law and order” focused anticrime legislation.<sup>275</sup> But, as much as Gingrich’s “contract” was a legislative agenda, it was also a political gimmick intended to win over independents who either shunned the Republican Party or voted for the third-party candidate, Ross Perot, in the 1992 Presidential election.<sup>276</sup> The “contract” introduced a series of reforms that Perot campaigned on, including congressional committee meetings open to the public, term limits for congressional committee chairs, and independent audits of congressional waste, fraud, and abuse.<sup>277</sup> The promise of such reforms demonstrated a willingness of Congress to rid itself of corruption, a familiar refrain from Gingrich, who earned his political morality credentials by targeting Representative Charles Diggs in the 1970s.

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<sup>274</sup> Zelizer, *Burning Down the House*, 296.

<sup>275</sup> Zelizer, *Burning Down the House*, 297.

<sup>276</sup> Seib, *We Should Have Seen It Coming*, 92.

<sup>277</sup> Hemmer, *Partisans*, 125.

Conspicuously absent from the “contract” were Republican plans for tackling social welfare issues, which made the document palatable for American voters and saleable through the media.

The responsibility of selling the “Contract with America” to the public fell to Frank Luntz, a Republican political operative. Unfortunately, Luntz relied on questionable poll data to promote the “contract” through the media. For example, when speaking to newspaper journalists about the “contract,” he consistently referred to the “60 percent” of poll respondents who supported its reforms and anti-corruption proposals. Although Luntz never provided evidence to substantiate his claim, the message was out, and Republicans used the “60 percent” claim to prove the “contract’s” popularity among voters.<sup>278</sup> Luntz’s “60 percent” jargon is an example of the “strategic and tactical use of language in politics...and everyday life” that he endorsed in his 2007 book, *Words That Work: It’s Not What You Say, It’s What People Hear*.<sup>279</sup>

Frank Luntz did not rely solely upon newsprint to sell Newt Gingrich’s “contract” to the public. Instead, in a relatively “low-tech” marketing ploy, the “Contract with America” was distributed as a tear-out page in *TV Guide*, which

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<sup>278</sup> Hemmer, *Partisans*, 124-127.

<sup>279</sup> Denny Hatch, “How to Write Right,” *Target Marketing* 30, no. 5 (May 2007): 74, <https://www.proquest.com/docview/233080925/fulltext/5574AA99E2B34100PQ/1?accountid=10359>.

could be hung on a voter's refrigerator and carried to polls on election day.<sup>280</sup> Luntz also turned to radio, specifically Rush Limbaugh. Although other high-profile radio personalities of the time, like Howard Stern or Don Imus, might have been recruited to convey Gingrich's message, none could have tempered their "shock jock" personas enough to court the GOP voter base. Additionally, with his familial roots in Cape Girardeau, Missouri, dating to the late-1800s and conservative pedigree, only Rush Limbaugh could sell the newest iteration of the Republican Party.

Do You Hear What I Hear? Newt Gingrich, the former history professor, showed himself to be a conscientious student of his predecessors, both neoconservative and liberal. In 1965, Daniel Patrick Moynihan (D-NY)—an Assistant Labor Secretary in the Kennedy Administration and Counselor to President Nixon—authored The Moynihan Report, which argued that "Black poverty was a function of failings in Black culture."<sup>281</sup> Moynihan's argument echoed Charles A. Murray and Richard Herrnstein's conclusion in *The Bell Curve* that Black "failings" were the result of "heritable and unchangeable" low IQs associated with "race and negative social behaviors, leading to poverty, crime, and out-of-wedlock children."<sup>282</sup> If one segment of the population is incapable of self-sufficiency due to their "heritable and unchangeable failings," then the

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<sup>280</sup> Zelizer, *Burning Down the House*, 297.

<sup>281</sup> Hemmer, *Partisans*, 174.

<sup>282</sup> Hemmer, *Partisans*, 173.

opinions of Moynihan, Murray, and Herrnstein support neoconservative paternalism. Governor George Wallace (D-AL), Senator Barry Goldwater (R-AZ), and President Richard Nixon (R-CA) had reputations as moderates on racial issues, but they also recognized the advantage of pandering to their political base.<sup>283</sup> In addition to being a student of history, Newt Gingrich was a seasoned politician who recognized the benefits of deploying racially coded dog whistles. Ian Haney López, a professor of law at the University of California, Berkeley Law School, argues, “the ‘racism’ in dog whistle racism does not refer to individual bias; it refers to a willingness to manipulate racial animus in pursuit of power.”<sup>284</sup> The audience for politicians like Wallace, Goldwater, Nixon, and Clinton may not have been aware of the manipulative scheming, but they could not deny the predictable outcomes.

Rush Limbaugh understood both sides of the political maneuvering. Limbaugh claimed he never set out to host a political show or steer his audience; he wanted it “to be a good show...to be compelling.”<sup>285</sup> But in reality, Limbaugh was part of an effective public relations campaign. Moreover, he embraced his role in the performance:

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<sup>283</sup> Ian Haney Lopez, *Dog Whistle Politics: How Coded Racial Appeals Have Reinvented Racism and Wrecked the Middle Class* (Oxford University Press, 2015), <https://ebookcentral.proquest.com/lib/csusb/reader.action?docID=1538398#>. 35.

<sup>284</sup> Lopez, *Dog Whistle Politics*.113.

<sup>285</sup> Seib, *We Should Have Seen It Coming*, 100.

It's not that I converted a bunch of people that didn't know what they are. I validated what a lot of conservatives already were and already thought. They just finally had something to attach to and somebody to believe in and somebody to associate with, and to help grow this. So I was originally portrayed as the Pied Piper misleading a bunch of mind-numb robots. I wasn't that at all.<sup>286</sup>

Limbaugh's credibility was measured by his popularity. For example, he recounted a story of airline passengers making their way to speak with him in a baggage claim area while ignoring Columbia Broadcasting Service (CBS) News personalities Ed Bradley and Charlie Rose.<sup>287</sup> Bradley and Rose were considered highly respected journalists at the time, and CBS News a trustworthy reporting service.

Rush Limbaugh recognized his standing as a populist icon and learned from the shock jocks that came before him not to target any group directly. Instead, Limbaugh hurled coded dog whistles via his bully pulpit—on radio and television—to condemn any perceived threat to his agenda, including African Americans.<sup>288</sup> For example, during a television broadcast on September 1, 1993, Rush Limbaugh praised Senator Strom Thurmond (R-SC), who ran for President in 1948 under the slogan “Segregation Forever.” Limbaugh said, “if you want to know what America used to be—and a lot of people wish it still were—then you

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<sup>286</sup> Seib, *We Should Have Seen It Coming*, 100-101.

<sup>287</sup> Seib, *We Should Have Seen It Coming*, 101.

<sup>288</sup> Hemmer, *Partisans*, 99.

listen to Strom Thurmond.”<sup>289</sup> Disguised as praise for a long-tenured public servant, Limbaugh’s implication is a clear signal to his “angry white men” listeners and viewers who longed for the social norms of the era before the Civil Rights Movement. Limbaugh also tied race to class and politics as he did on his radio show in January 1994. He said that Chelsea Clinton, daughter of President Bill Clinton, a student at Sidwell Friends School, had been assigned “to write a paper on ‘Why I Feel Guilty Being White.’” The Quaker school has been labeled a “bastion of progressivism” and the alma mater of “generations of Washington’s liberal elite.”<sup>290</sup> Although the school denied Limbaugh’s claim, it suggested that white liberal efforts to bridge the racial divide were guilt-motivated. The claim also implied to his audience that neoconservative *paternalistic* policies toward marginalized communities were egalitarian.

During the debates over the Violent Crime Control and Law Enforcement Act of 1994, Rush Limbaugh wielded the full power of his media position to oppose the Crime Bill, President Bill Clinton, and funding for sports-based crime prevention programs—specifically Midnight Basketball.<sup>291</sup> Newt Gingrich’s political maneuvering, the suspension of the Fairness Doctrine, and Rush

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<sup>289</sup> FAIR. “The Way Things Aren’t.”

<sup>290</sup> FAIR. “The Way Things Aren’t,” Luke O’Brien, “Swastikas Show Up at Sidwell Friends School, Bastion of Progressivism,” HuffPost (HuffPost, March 18, 2019), [https://www.huffpost.com/entry/swastikas-show-up-at-sidwell-friends-school-bastion-of-progressivism\\_n\\_5c809251e4b06ff26ba59049](https://www.huffpost.com/entry/swastikas-show-up-at-sidwell-friends-school-bastion-of-progressivism_n_5c809251e4b06ff26ba59049).

<sup>291</sup> Douglas Hartmann, *Midnight Basketball: Race, Sports, and Neoliberal Social Policy* (Chicago: University of Chicago Press, 2016). 6.

Limbaugh's popularity—along with broadcasting contemporaries like Sean Hannity—succeeded in creating an “echo chamber” that provided a “positive feedback loop” for the “angry white males” courted by the neoconservative movement.<sup>292</sup>

The talk radio “echo chamber” initiated and repeated assertions regarding sports-based crime prevention programs in the 1994 Crime Bill. Rush Limbaugh enflamed his listeners by stating that funding was available only to “qualified communities.” He defined a “qualified community” as one that was “severely impacted by AIDS” or counted a higher population of minorities—sentiments echoed by Representative Randall “Duke” Cunningham on the House floor.<sup>293</sup> Regarding *Midnight Basketball*, Limbaugh reported to his followers that the program was akin to “coddling up to criminals,” an insinuation that echoed his assertion that NBA players were “thugs.”<sup>294</sup>

This chapter examined how two influential figures in politics and broadcasting—Newt Gingrich and Rush Limbaugh—leveraged their positions to promote agendas through racially coded messaging (dog whistles). This chapter

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<sup>292</sup> David Swistock, John Nielsen, and Devin Gillen, “Rush Limbaugh,” CSUSB ScholarWorks, 2021, <https://scholarworks.lib.csusb.edu/history-in-the-making/vol14/iss1/13>.

<sup>293</sup> Hartmann, *Midnight Basketball*. 99, Cliff Stearns, “Congressional Record,” Congress.gov (Library of Congress), accessed October 24, 2022, 21549. <https://www.congress.gov/bound-congressional-record/1994/08/11/140/house-section>.

<sup>294</sup> Hartmann, *Midnight Basketball*. 99, Seifter, “Limbaugh on the NBA.”



also shows that Gingrich's and Limbaugh's tactics are well-established threads in the political fabric. Manipulating racial animus for political gain earned Gingrich and Limbaugh important positions in their respective fields and sent a clear message to their followers that such ploys were acceptable and encouraged.

## CHAPTER FIVE

### CONCLUSION AND IMPACTS

#### New Slang

A review of the book, *Disciplining the Poor: Neoliberal Paternalism and the Persistent Power of Race* by Joe Soss, Richard Fording, and Sanford Schram, which appeared in a 2012 issue of the journal, *Perspectives on Politics*, argued that “American policy has always been paternalistic, and has leaned in the direction of regulating the poor, if not disciplining them.”<sup>295</sup> As a result, the poor are frequently divided into specific categories, the unhoused population, single mothers and their children, and minorities, each requiring the paternalistic hand of the elite class. However, according to Harrell R. Rodgers, a professor of political science at the University of Houston, the poor cannot be limited to specific categories. Sometimes, a poor person can be assigned to each group regardless of “age, race, sex, geographic location, and family structure.”<sup>296</sup> Rodgers argues that poverty is caused by either the culture and behavior of the

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<sup>295</sup> Russell L. Hanson et al., “Review: Neoliberalism, Race, and the American Welfare State: A Discussion of Joe Soss, Richard C. Fording, and Sanford F. Schram’s ‘Disciplining the Poor: Neoliberal Paternalism and the Persistent Power of Race,’” *Perspectives on Politics* 10, no. 4 (December 2012), <https://www.jstor.org/stable/23326929>.

<sup>296</sup> Harrell R. Rodgers, *American Poverty in a New Era of Reform* (Taylor & Francis Group, 2006), <https://ebookcentral.proquest.com/lib/csusb/reader.action?docID=1968873&ppg=74.57>.

poor or by the lack of structural and economic opportunities. Unfortunately, both classifications have been politicized and racialized, with conservatives citing cultural and behavioral shortcomings, while liberals blame systemic structural and economic imbalances.<sup>297</sup> For example, when examining social safety net programs, both political groups are confronted with statistics that show African Americans receiving welfare benefits for extended periods.<sup>298</sup> By relying on welfare statistics as *prima facie* evidence, the elites from both political groups easily connect the poor to race without investigating the fundamental causes of poverty. The philosopher, Cornel West, concedes that African Americans from the inner cities have “engage[d] in self-destructive behavior,” but he refuses to allow the elite class to turn a blind eye to embedded racism.<sup>299</sup>

The Judeo-Christian ethic supporting paternalism can be found in the Bible, in Luke 9:48 (NIV); “then, he said to them, ‘Whoever welcomes this little child in my name welcomes me, and whoever welcomes me welcomes the one who sent me. For it is the one who is least among you all who is the greatest.’”<sup>300</sup> What initially motivated Columbia University’s Dean Emeritus, Dr. Harry J. Carman, to solicit donations from notable African Americans and civil rights allies

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<sup>297</sup> Rodgers, *American Poverty*. 63.

<sup>298</sup> Rodgers, *American Poverty*. 59.

<sup>299</sup> Rodgers, *American Poverty*. 71-72.

<sup>300</sup> “Luke 9:48 - The Greatest in the Kingdom,” Bible Hub, accessed February 18, 2023, <https://biblehub.com/luke/9-48.htm>.

for scholarships to the underprivileged is unclear. Maybe there was some biblical inspiration for his outreach, but following the expected pattern of elite hypocrisy, Carman's efforts re-enforced his self-interests and showcased Ivy League progressivism. Columbia University's archives recognize that the "pervasive climate of racism" meant African Americans were "all but invisible" at the school.<sup>301</sup> It is unclear from the available evidence to show that Carman's Committee to Salvage Talent met its funding goal or actively recruited African American students to the Ivy League ranks. Dr. Carman touted higher education as a bridge toward greater economic opportunity, but his efforts to help "underprivileged Negroes" went only so far.<sup>302</sup>

Dr. Harry Carman's efforts to lift African Americans out of their socioeconomic position may have been hindered by his retired status or waning influence, but a similar instance of hamstrung elite-driven reform is President Lyndon B. Johnson's (D-TX) "Great Society." Meant to lift the underprivileged from their station through federally funded social programs, Johnsons described the "Great Society" as "a place where every child can find knowledge to enrich his mind and to enlarge his talents."<sup>303</sup> The first step in Johnson's "Great Society" plan was his declaration of "War on Poverty"—an extension of President John F.

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<sup>301</sup> "Post-1865: Students," Columbia University and Slavery, accessed September 24, 2022, <https://columbiaandslavery.columbia.edu/content/post-1865-students>.

<sup>302</sup> "Letter to Harry J. Carman."

<sup>303</sup> Johnson, "Remarks at the University of Michigan."

Kennedy's (D-MA) efforts to "rehabilitate troubled youth."<sup>304</sup> Johnson's next steps meant to focus on housing and health care while separately—but simultaneously—working to pass Civil Rights legislation.

President Johnson gave his "Great Society" plan to Sargent Shriver, the former Director of the Peace Corps, an appointment that was roundly panned. As the son of a successful banker and brother-in-law to President Kennedy, Shriver was criticized for not understanding poverty or its causes. In addition, Sargent Shriver guided his office using paternalistic standards, thereby reflecting the ambivalence of the Johnson administration, which advocated for "abundance and liberty for all" but also prioritized elite perspectives.<sup>305</sup> The Kennedy-Shriver families were devout Catholics and supported Christian charity, and Sargent Shriver believed the government should be an extension of charitable service.<sup>306</sup> However, he did not support the government taking sole responsibility for anti-poverty efforts. Instead, Shriver wanted "to provide stimulation and incentive for urban and rural communities to mobilize their resources to combat poverty."<sup>307</sup> After Shriver delivered a hefty price tag for combating poverty, Daniel Patrick Moynihan—a Kennedy and Johnson ally—found another reason to criticize the efforts. No matter who benefitted from the "Great Society" program, the planners

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<sup>304</sup> Shlaes, *Great Society*. 5.

<sup>305</sup> Johnson, "Remarks at the University of Michigan."

<sup>306</sup> Shlaes, *Great Society*. 103.

<sup>307</sup> Shlaes, *Great Society*. 103.

were white, and “at no time did any Negro have any role of consequence in the drafting of the poverty program.”<sup>308</sup> Moynihan recognized the racial disparity and the paternalistic nature of Johnson’s “War on Poverty,” which would expose the “Great Society” plan as little more than a political opportunity.

The limited and somewhat contradictory aspects of the “Great Society” programs could not defuse long-simmering racial tensions in America. Several summers of rioting highlighted the patterns of injustice that African Americans experienced, and these tensions finally reached a boiling point during the “long hot summer of 1967.” It substantiated the Kerner Commission’s findings that the unrest during President Johnson’s tenure (1963-1969) resulted from a growing perception that the United States comprised two unequal societies, one black and one white. The budding neoconservative movement opposed to Johnson’s “Great Society” capitalized on the racial unrest, framed it as criminal, and quickly blamed African Americans and the Johnson administration. Without accepting that crime is a direct outgrowth of poverty, the neoconservative flagbearer, Senator Barry Goldwater (R-AZ), cited the “Great Society” policies as federal government overreach. As a result, President Johnson and his liberal democratic allies were backed into a political corner. He exercised executive privilege by establishing federal control over state and local law enforcement agencies but

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<sup>308</sup> Shlaes, *Great Society*. 107.

assigned “securing public order” to the regional jurisdictions.<sup>309</sup> In addition, Johnson introduced new terminology that would stoke racially charged rhetoric, calling out young people “with a criminal record” and the “dangerous new threat...of drug addiction.”<sup>310</sup> At once, the youth culture and the drug counterculture of the 1960s were further married in the minds of Americans. As Barry Goldwater insisted, the new culture was responsible for the “degradation, lawlessness, and disorders on American streets.”<sup>311</sup>

The neoconservatives, Republicans, and Dixiecrats opposed to the Civil Rights movement galvanized behind law enforcement in the wake of the race riots of 1967 and adopted a “tough on crime” stance that guaranteed a return to “law and order.” As Michelle Alexander notes, the terminology was not accidental. “Law and order” had been part of the white Southern vernacular since the 1950s, and in their view, Civil Rights demonstrations were part and parcel of the degradation of society that Barry Goldwater spoke of. The political shift resulted in the 1968 Omnibus Crime Control and Safe Streets Act which increased federal spending on local law enforcement, prisons, and parole boards. In addition, the “tough on crime” approach played well with the American

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<sup>309</sup> Johnson, “Remarks upon Signing Order Providing for the Coordination by the Attorney General of Federal Law Enforcement and Crime Prevention Programs.”

<sup>310</sup> Johnson, “Remarks upon Signing Order Providing for the Coordination by the Attorney General of Federal Law Enforcement and Crime Prevention Programs.”

<sup>311</sup> “Goldwater Links the Welfare State to Rise in Crime,” *New York Times*.

public, who had watched the violent, purportedly “black versus white” 1967 race riots on the nightly news. The victimhood mindset and pervasive media coverage allowed white Americans to excuse targeted, aggressive policing against minorities.

The 1968 election of President Richard Nixon (R-CA) solidified the neoconservative “tough on crime” position at the federal level. During the campaign, Nixon blended the rhetoric of President Johnson and Senator Goldwater. In Nixon's estimation, the cause of the 1967 riots was not only the poverty suffered by African Americans but a general lack of “respect for the rule of law.”<sup>312</sup> Nixon fondly cherry-picked (and twisted) a line from Senator Robert Kennedy (D-NY)—one of his Democratic opponents in the 1968 Presidential race—that said that the law was an African American's enemy and, therefore, should not be followed. Nixon also played into the fears of white Americans, who shuddered at the coverage of the race riots with his claim that civil unrest breeds racial hostility. Senator Robert Byrd of West Virginia, a Dixiecrat, echoed Nixon's contention by saying that if African Americans conducted themselves properly, they would not have to fear the police.

As President, Richard Nixon used the power of his office to attack youth culture, drug counterculture, and African Americans—and other minorities—whom he viewed as radicals. In the shadow of the Vietnam War, any group who challenged the American status quo—like the Black Panther Party—was labeled

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<sup>312</sup> Nixon, “If Mob Rule Takes Hold in U.S. 295.”



“Communist” and subject to federal scrutiny. In addition, Nixon skirted First Amendment issues by reclassifying heroin and marijuana as Schedule I Controlled Substances. The two drugs were explicitly chosen for their proximity to “hippies” (drug counterculture) and African Americans. As a result, law enforcement could target specific groups and encourage news outlets to televise drug raids. New racial terminology sprang up with the police raids; drug arrestees—primarily African Americans—were called “hoodlums” or “thugs.” The new jargon was echoed by politicians in their “get tough on crime” speeches and by the news media whenever describing the residents of depressed inner cities.

George H.W. Bush (R-ME) recognized the noise created by the dog whistles and tried to rise above the fray during the 1988 presidential campaign. But unfortunately, although Bush supported a “kinder, gentler” nation through his speeches, the visuals of his campaign advertisements belied his oratory. For example, the Bush campaign portrayed the Democratic presidential nominee, Michael Dukakis (D-MA), as “soft on crime” and used a tragic crime to fuel racist fears.

In 1986, while Dukakis was Governor of Massachusetts, a convicted murderer, Willie Horton, was released from prison on a weekend furlough program. While out of jail, Horton traveled to Maryland, where he violently attacked a woman and her boyfriend. The Bush campaign turned the crime into political theater by releasing a scathing television advertisement. The commercial featured two photos of Horton, one a grainy mugshot that was blurred enough to

give the impression that it could be any black man; and another of Horton towering over a white police officer.<sup>313</sup> The imagery reinforced fears of black-on-white crime and gave a face and name to the previously anonymous “hoodlums” and “thugs.”

Dog whistle rhetoric became so widely accepted that separating them from the racial images they invoked was nearly impossible. Soon the attitudes that spawned the new lexicon found their way into public policy, specifically the Violent Crime Control and Law Enforcement Act of 1994.

#### It Was Never About Basketball

The Violent Crime Control and Law Enforcement Act of 1994, better known as the Crime Bill, contained several crime prevention programs, including the Midnight Basketball League (MBL). Founded in 1986 in Prince George’s County, Maryland—incidentally, the same year and location of the Willie Horton crime depicted by the Bush presidential campaign—the MBL was a response to rising crime rates. A city leader in Glenarden (located in Prince George’s County), G. Van Standifer, envisioned the MBL as a positive alternative for young—primarily African American—men (aged seventeen to twenty-one) who might otherwise be on the streets between 10:00 p.m. and 2:00 a.m. Competitive sports-based programs as a diversion for potentially troublesome youth were not new, and basketball was frequently the preferred game. The Midnight Basketball

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<sup>313</sup> “Willie Horton 1988 Attack Ad,” YouTube (YouTube, November 3, 2008), <https://www.youtube.com/watch?v=lo9KMSSEZ0Y>.

League was reported to be a resounding success by its proponents, with Standifer and the Glenarden Police Department declaring a thirty percent decline in local crime rates. In addition, officials claimed that the recidivism rate among MBL participants also fell, which brought praise from correctional authorities and politicians. Even President George H.W. Bush praised the MBL as one of his Thousand Points of Light. Eventually, thirty-eight cities nationwide hosted a Midnight Basketball League, and each locale reported successes comparable to Glenarden.<sup>314</sup> However, the Midnight Basketball Leagues did not keep verifiable crime reduction statistics, nor did their local law enforcement agencies. Instead, the program's "success" was based solely on anecdotal reporting by MBL officials, whose motivations for positive reporting were likely politically motivated.

For all its "success" as a crime prevention program, Midnight Basketball did not address the root causes of crime (e.g., poverty, unemployment, and drugs). Nor did the MBL allay the racially charged paternalism in public policy. As A. Rafik Mohamed declared, basketball is often viewed as "the black man's game," and the MBL encouraged stereotypes about the sport and race.<sup>315</sup> Nevertheless, the young African American men participating in Midnight Basketball enjoyed the positive aspects of competition among peers and the

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<sup>314</sup> Hartmann, *Midnight Basketball*. 19.

<sup>315</sup> Mohamed, *Black Men on the Blacktop*, 1, Hartmann, *Midnight Basketball*. 5.

adulation of neighborhood spectators.<sup>316</sup> However, negative stereotypes were perpetuated off the court, primarily through the media. For example, one news outlet reporting on the MBL in Washington, D.C., noted that games were played “five blocks from one of [the city’s] most notorious drug markets,” and players could be seen wearing blue bandanas around their heads—both statements were dog whistle references associating the black players with crime, gangs, and illicit drugs.<sup>317</sup>

The MBL attracted local and national corporate sponsors, notably the Mid-Atlantic Coca-Cola Bottling Company, Inc., eager to be part of the league’s “success.”<sup>318</sup> Later, Nike Inc. introduced its P.L.A.Y. initiative, which funded other sports-based crime prevention programs under the banner of “urban” projects.<sup>319</sup> Corporate interest generated government action. During a 1990 speech, President George H.W. Bush vowed to “stop the hooligans and thugs” by offering cities federal assistance and incentives because “they need our care, our guidance, and our education.”<sup>320</sup> The 1994 Crime Bill allocated \$3 million

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<sup>316</sup> Hartmann, *Midnight Basketball*. 17.

<sup>317</sup> Darren Wheelock and Douglas Hartmann. "Midnight Basketball and the 1994 Crime Bill Debates: The Operation of a Racial Code." *The Sociological Quarterly* 48, no. 2 (2007): 325.

<sup>318</sup> "Midnight Basketball League Starts '88 Fundraising Drive." *Washington Informer*. 16, Hartmann, *Midnight Basketball*. 61.

<sup>319</sup> Cole, “American Jordan,” 366.

<sup>320</sup> Bush, “Remarks to the United States Conference of Mayors,” Bush, “Inaugural Address.”

specifically for Midnight Basketball, but the influx of corporate funding for the MBL and other sports-based crime prevention programs alleviated any financial burden on the taxpayer. Public and private interests converged to meet the paternalistic agendas of the “Wars on Poverty, Crime, and Drugs” effortlessly and proved that “the last thing in the world that Midnight Basketball is about is basketball.”<sup>321</sup>

The Court of Public Opinion. The Violent Crime Control and Law Enforcement Act of 1994 (the Crime Bill) should have afforded President Bill Clinton the opportunity to carry on President Lydon Johnson’s “Great Society” legacy. As a candidate, Bill Clinton was popular with African American voters and presented himself as a “New Democrat” ready to take on pressing social issues of healthcare, welfare, and crime. Instead, Clinton was just another politician willing to use “dog whistle” politics to win an election. Clinton adopted the conservative “tough on crime” position and attacked Reverend Jesse Jackson’s Rainbow Coalition. He also chose to give a speech at a Georgia prison flanked by African American inmates, a striking visual for a white Governor from Arkansas.<sup>322</sup>

When Representative Jack Brooks (D-TX) introduced the Crime Bill as an amendment to the 1968 Omnibus Crime Control and Safe Streets Act, he chastised his colleagues while claiming that “blood [was] flowing in the

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<sup>321</sup> “Public Papers of the Presidents: Bush.” 362.

<sup>322</sup> Edsall, “Clinton Stuns Rainbow Coalition,” Hemmer, *Partisans*, 106.

streets.”<sup>323</sup> Jack Brooks’ stark imagery rallied Congress to pass crime legislation focused on restoring “law and order.” The Clinton administration added racially coded rhetoric to the fear-mongering when the Secretary of Housing and Urban Development (HUD), Henry Cisneros, suggested increasing the law enforcement presence in public housing, where most residents are racial minorities.

As the 1994 Crime Bill moved through Congress, President Bill Clinton tried to soften his “tough on crime” position to win over the liberal lawmakers. Funding for crime prevention programs, like Midnight Basketball, was added to the bill, as were the “truth-in-sentencing” and “three strikes” provisions and the Racial Justice Act.

The “truth-in-sentencing” stipulation required longer prison sentences by reducing or eliminating “good-time” credits. Under the “three strikes” initiative, judges were mandated to impose life sentences upon habitual violent offenders with three or more convictions. The intent of the Racial Justice Act was transparency in criminal sentencing. The authors of the Act, Representatives John Conyers Jr. (D-MI) and Don Edwards (D-CA) contended that the Eight Amendment was being violated through a “racially disproportionate pattern” of death penalty sentences.<sup>324</sup> Neoconservative lawmakers scoffed at the implication and worked to remove the Racial Justice Act from the 1994 Crime Bill while maintaining the “truth-in-sentencing” and “three strikes” initiatives.

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<sup>323</sup> Brooks, “Congressional Record.”

<sup>324</sup> Conyers, “H.R. 3329 - Racial Justice Act of 1993.”

President Clinton made a halfhearted “wait and see” defense of the Racial Justice Act, giving the neoconservative wing a political victory.

Congressional members from both parties added their paternalistic views to the debates by encouraging a return to “family values.” Use of the term—which is a coded attack on single-parent households— by Representatives Sanford Bishop (D-GA) and Jimmy Duncan (R-TN) suggested that the government could fill the void left behind by absent fathers. Other lawmakers like Representatives Michael Huffington (R-CA), Randall “Duke” Cunningham (R-CA), and Cliff Stearns (R-FL) were less subtle in their remarks denouncing funding for “self-esteem programs” aimed at “HIV positive” residents of “public housing.”<sup>325</sup> The rhetoric was meant to obfuscate the intention of crime prevention programs in the public arena while simultaneously depicting the programs’ beneficiaries as disreputable, hypersexual wards of the State. For Huffington, Cunningham, and Stearns, the 1994 Crime Bill spent too much on prevention programs and not enough on law enforcement and prisons. In the original Crime Bill proposal, crime prevention programs were slated to receive \$9 billion. Yet, in the final version, prevention was cut by approximately 30 percent, and \$6.1 billion was allocated to social welfare programs, with Midnight Basketball and other sports-based programs sharing a small portion of the programming money: \$50 million (0.002 percent of the overall bill).

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<sup>325</sup> Huffington, “Congressional Record,” Cunningham, “Congressional Record,” Stearns, “Congressional Record.”

Representative Newt Gingrich was one of the biggest opponents of the 1994 Crime Bill and was instrumental in orchestrating the opposition language. Luckily for Gingrich and his allies, a change in the Federal Communication Commission's (FCC) enforcement of the Fairness Doctrine allowed neoconservative talk show hosts to proliferate the radio airwaves. Rush Limbaugh distinguished himself as the most popular right-wing shock jock and was hailed as the "Leader of the [Republican] Opposition."<sup>326</sup> Together Gingrich and Limbaugh created an "echo chamber" for neoconservative talking points, and Limbaugh targeted "angry white men" with a vitriolic mix of racially coded rhetoric disguised as entertainment.

Although occasionally Limbaugh chose a measured tone, as when he told his listeners that funding from the 1994 Crime Bill was going to "qualified communities," instead of the explicit description of public housing residents with Acquired Immunodeficiency Syndrome (AIDS) that Representatives Huffington, Cunningham, and Stearns chose.<sup>327</sup> On other occasions, Limbaugh's tirades were less controlled, as when he referred to professional basketball players as "thugs" and labeled National Basketball Association (NBA) teams as "gangs." Limbaugh judiciously crafted his on-air persona by only welcoming guests and callers that regurgitated his platitudes, attacking feminism, gay rights, and Black empowerment movements, and when Congressional debates over funding

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<sup>326</sup> FAIR, "The Way Things Aren't."

<sup>327</sup> Hartmann, *Midnight Basketball*. 99.



Midnight Basketball in the 1994 Crime Bill became public, deriding crime prevention programs as examples of “liberal hypocrisy.”

The Rush Limbaugh-Newt Gingrich “echo chamber” flourished during the run-up to the 1994 midterm elections. Then, finally, Limbaugh stripped away some of the facades that disguised his racially charged rhetoric. He praised Senator Strom Thurmond’s (R-SC) “segregation forever” policies and ridiculed the “liberal elite” school that Chelsea Clinton—daughter of President Clinton—attended. Limbaugh stoked an “us versus them” attitude that fueled the “angry white men” at the ballot box.

Conclusion. Blame for the current lack of civility and decorum in politics and society has been assigned to the emergence of an extreme right-wing faction of the Republican Party during the 2016 presidential campaign. In contrast, the research presented in this thesis argues that civility and decorum, specifically regarding class and race, have deteriorated since the 1960s. Indeed, the spirit of elitist paternalism had previously existed, but not with the modern version of racially charged rhetoric. President Lyndon Johnson’s administration’s “Great Society” policies attempted to balance a liberal expansion of civil rights to African Americans and other minorities with the conservative limitations of “law and order” policing. However, that balance often shifted under the weight of political expediency.

The perhaps noble intentions of the elite class to “rescue” the less fortunate from the cycle of poverty and crime were clouded by their public

statements and private actions. Racist “dog whistles” emerged as white politicians’ warnings about “thugs” roaming city streets looking for an opportunity to victimize a law-abiding citizen. Initially, the terminology was racially ambiguous, but when the media began broadcasting images of African Americans and other minorities along with the “thug” label, any perceived ambiguity ended.

Racially coded language became normalized, to the point that during the debates over the Violent Crime Control and Law Enforcement Act of 1994, lawmakers held no trepidation in having their comments memorialized in the Congressional record. As Southern Democrats and Dixiecrats embraced the neoconservative philosophy, they brought their racial biases with them. Concurrently, neoconservative Republicans welcomed the converts as they formulated the “Southern strategy” political approach.

Outsiders—hippies, radicals, and minorities—were affected by the “Southern strategy” and vilified for their non-traditional lifestyles. Then, in the 1990s, the elite class used right-wing talk radio as its marketing tool for paternalism, convincing the “angry white men” caught in the political and cultural transition that an expanded law enforcement presence could best treat society’s ills.

The Violent Crime Control and Law Enforcement Act of 1994 promised to address the cycle of crime and poverty affecting minority communities through sports-based prevention programs like Midnight Basketball. However,

neoconservative opposition—led by Representative Newt Gingrich and radio host Rush Limbaugh—mobilized to quash any funding for “soft on crime” prevention programs. The result was a punitive crime bill perpetuating the cycle of crime and poverty, affecting minority communities.

The ease with which politicians and the media deployed racially coded rhetoric normalized the widespread use of “dog whistles” to further the divide between the elites and the less fortunate. Such language indicates the racism institutionalized in public policy and discourse; failing to challenge the rhetoric signals the acquiescence of most Americans. Thoroughly documenting the origin of paternalism or racially coded rhetoric was not the intent of this thesis. Instead, finding a moment when the two fully bloomed was the focus to show how society has reached the current state of incivility and impropriety.

The “Great Society” and Violent Crime Control and Law Enforcement Act of 1994 could be studied in the future as a political history to show the twentieth-century’s ideological transformations of the Republican and Democratic parties. This era might also interest media and communication specialists measuring the reach of AM radio—a once-forgotten broadcast mode. Finally, the subject of “dog whistles” and racially coded language might interest linguists tracking the evolution and deployment of specific terminology.

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