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Debra Carolyn Wasserman

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BORN CRIMINAL: THE CRIMINALIZATION  
OF AFRICAN AMERICANS

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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  
Social Sciences

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by  
Debra Carolyn Wasserman

March 2011

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Debra Carolyn Wasserman  
March 2011

Approved by:

  
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3/22/11

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## ABSTRACT

The United States incarcerates more of its citizens than any other nation in the world. An essential factor of our nation's ignominious incarceration rates is the disproportionate incarceration of Black Americans. For centuries Black Americans were enslaved and deprived of human dignity. Today, millions of Black Americans have been effectively locked out of full citizenship as felons, primarily due to systemic racism, and this author could have been counted among them.

This study examined the factors that have contributed to the overrepresentation of Black Americans in the criminal justice system. The study utilized a mixed methodology that consisted of a personal narrative, a survey conducted with 306 student participants at a California State University. Interviews were conducted with fourteen Black Americans, eight of whom were incarcerated inmates at a California prison.

Data was analyzed from a survey that consisted of nine closed statements distributed to 306 university student participants. Additionally, themes were analyzed from open-ended interview questions obtained from the eight prison inmates and six non-incarcerated African

Americans in order to discern their perceptions of issues pertaining to the disparate incarceration of Black Americans and the consequential impact it will have for the future of the Black community.

## ACKNOWLEDGMENTS

First and foremost, I would like to thank my thesis advisor and academic mentor Dr. Fenelon for his support throughout the years. I want to acknowledge the help and support I received from Dr. Kamusikiri and her staff, in particular, Shelby Reeder. I would also like to thank Dr. Lund and Dr. Peacock for their time and council on this project. Due to a disability, the assistance I received from Chole Delosreyes and the tutors at the Writing Center was invaluable. This work could not have been accomplished without help from Brian Hilkey, Keith Castillo, Tish McGuckian, the students, staff and members of the faculty at CSUSB. I would like to give special thanks and appreciation to Dr. Dale K. Sechrest, whose assistance and support enabled me to complete this project.

## DEDICATION

I want to dedicate this work to my incarcerated grandson, and all the criminalized descendants of American slaves: the grandsons, granddaughters, sisters, brothers, mothers, fathers, sons, daughters, husbands, wives, aunts, uncles, nieces, nephews, and cousins.

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## CHAPTER ONE

### INTRODUCTION

When I was a child, I experienced the humiliation and indignities of being a member of a subordinated group (e.g. being called a cute pickinny and raised in poverty).<sup>1</sup> Nevertheless, I accepted the tenets of the American "dream" that are predicated on the ideological values of "liberty" and "justice for all." I later shared the belief with Dr. King that "we shall overcome" (Davis-Adeshote, 1995). However, I can no longer sustain this belief due to the overwhelming evidence that the post civil rights era has wrought a new racism in the form of an AFRO (African Foreign Racialized Other) American<sup>2</sup> criminalized class (Mauer, 2006; Alexander, 2010).

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1 "All black youth, at some point in their early development, are exposed to racism... [we] absorb [internalize] the hatreds of self [via]...television [in which]...Black was negative, bad, ugly...unwanted in a..."white" society" (Davis-Adeshote, 1995, p. 14).

2 I use "AFRO" instead of African American in this work in order to make a distinction between Barack Obama and his wife Michelle. Michelle Obama is among those of us who are the descendants of slaves. However, as the son of an African immigrant and a White American, President Obama is not a descendent of slaves, therefore, the need for a distinction in this work.

Although many would argue that AFRO Americans have "overcome," chiefly due to the election of the first Black President and a growing Black middle class, nevertheless, I fear for the future of my people. My trepidation for the future of my people is the result of my personal experience with the criminal justice system, an examination of the data and literature on the overrepresentation of AFRO Americans in the prison system, and recent studies that indicate problematic geographic segregation continues to be pervasive within the United States (Alexander, 2010; Allen-Mears & Burman, 2003; Phillips, 2009).

There is cognitive dissonance on the issue of race in America. Many White Americans firmly believe that they are not racist and that racism is no longer a factor, and yet studies have revealed that school and residential segregation are as prevalent in the twenty first century as they were fifty years ago (Bigg, 2007; Bonilla-Silva, 2003; Charles, 2003; Orfield & Ashkinaze, 1991; Orfield, & Lee, 2004; Orfield, & Lee, 2005). The significance of re-segregation in the post civil rights era was explained by Feagin (2000) who argued that residential segregation is the base component for

reproducing systemic racism "from one generation to the next." Furthermore, segregation of the races contributes to "social and mental isolation," and sustains "white unfamiliarity with black Americans" (Feagin, 2000, p.132).

White unfamiliarity with Black Americans that existed in the Jim Crow era and continues to exist in the post civil rights era has been the impetus that maintains negative images that engender fear of the "other," specifically the Black man. This fear of the "other" is a causal factor in the disproportionate representation of AFRO Americans in the prison system (Canales, 2000; Culverson, 2006; Feagin, 2000; McCreary & Wright, 2003). The disproportionate representation of AFRO Americans in the prison system is an effect of post civil rights era racism that is symbolized by residential segregation (Feagin, 2000; Massey, 1990; Phillips, 2009). Residential segregation was studied by Massey (1990) who explained that "concentrated racial segregation increases poverty, and generates, as it perpetuates a Black underclass" (p. 353). Phillips (2009) added that high poverty rates, unemployment, school segregation and "repressive incarceration" which affect Black Americans

disproportionately, are indicators that "racial inequality remains problematic in the US" (para. 1).

Moreover, Phillips' (2009) study illuminated the impact that geographic and structural segregation has as an obstruction to the educational advancement of AFRO Americans (e.g., underfinanced inadequate schools, inexperienced teachers, etc.); the effect of which "stares at us daily from... behind prison walls" (Phillips, 2009, para. 5). I concur with Phillips' analysis, and will argue in this paper that structural/systemic racism remains a permeating factor in the United States as reflected by the egregiously disparate incarceration of AFRO Americans in the prison system. The overrepresentation of AFRO Americans in the prison system is the motivation for this work. As an elderly AFRO American woman who has a criminal *record* and was married to a member of the White dominant group, I think I can provide a unique perspective on racism and the criminal justice system.

## Background

The onus on each generation is to improve life conditions for successive generations. As a parent, I endeavored to provide a better life for my children than I had. As a grandparent, I have positive aspirations for the future of all of my grandsons. I feel confident that my two youngest grandsons will exceed my hopes for them due to their physiognomy and life circumstances. However, for my eldest grandson, my feelings are of trepidation, due to the analogous reasons formerly stated for the two youngest.

I married a White ethnic male in 1962, and had four daughters by him who inherited his appearance. Two of my daughters married members of the White dominant group and each has a son. My two youngest grandsons will inherit their father's white privilege due to their physiognomy. My concern is for my eldest grandson, who unlike his younger cousins, has inherited his Black father's racial characteristics, and consequently, was incarcerated as a juvenile. Although his record was expunged due to felonious charges (a young White female accused my grandson of being an accomplice in a rape, which was in

fact consensual sex with his 16 year old friend), being wrongly imprisoned as a youth has left an impenetrable scar on his psyche, and he has lost trust in the "rightness of the world." Inevitably, he has dropped out of school, cannot keep a job or sustain a relationship.

My eldest grandson was wrongly accused and incarcerated due to the historical perception that AFRO Americans have a proclivity for crime. I was also falsely accused and jailed after being attacked by my White husband in 1978 and by White roommates in 1991. Although in both incidents it was I who was attacked/victimized, nevertheless, because my attackers were White, it was I who was arrested and jailed. My grandson and I were victimized by the perception that because we were Black, we were more likely than not guilty of committing a criminal offense (Specifically, when accused by members of the White dominant group). The perception that Black Americans have a proclivity for crime has led to the overrepresentation of AFRO Americans in the criminal justice system (Davis, 2003).

## Thesis Objective

Black criminality and the overrepresentation of AFRO Americans in the criminal justice system is an issue that has been the subject of discourse among scholars in diverse fields. Although scholars have utilized subjective narratives in the study of racism and AFRO American criminalization, more often than not, the issue has been observed from an objective, rather than a personal perspective. As an AFRO American woman who lived through the Civil Rights era and has been subjected to the inequity of the criminal justice system, I can provide a qualitative narrative of my incarcerations that will attempt to expand the literature in this work.

In addition to my personal narrative, I will analyze survey data from a diverse sample of 306 student participants in order to determine the impact their race/ethnicity has on their perceptions/attitudes of the racialized issues presented to them. The study will also interpret interviews from 14 AFRO Americans on issues that affect them and the future of the Black community (Eight of the interviewees were incarcerated inmates at a California prison). This work will be an analysis and examination of the salient factors that have contributed

to the disproportionate representation of AFRO Americans in the criminal justice system.

I will explore through the literature, and other relevant sources such as the media, the significance that racist structures/systems had on my arrests. In addition, I discuss the effect that the criminalization of millions of AFRO Americans will have for the future of the Black community. I argue in this paper that the overrepresentation of AFRO Americans in the prison system is a direct correlate of historical and prevailing racist systems/structures, and therefore, "we ain't overcome!"

## CHAPTER TWO

### LITERATURE REVIEW

#### Historical Review

AFRO Americans are the only racial/ethnic group that did not come to America with hope for a better life than the one they left behind. Rather, AFRO Americans were conveyed in slave ships, bound and chained in hellish conditions (Feagin, 2000). Commencing with slavery, the experience of AFRO Americans in the United States has been primarily that of oppression and victimization from racist systems/structures.

Since the primary premise of this work is that the criminalization of AFRO Americans is a consequence of historical systemic racism that emerged with slavery, it is therefore essential to present a brief overview of the impact that racist systems/structures have had on slaves and their descendants (Alexander, 2010). The importance of understanding a historical view of racism was explained by Professor Fenelon (SSCI 316, 2008, March 13) in a lecture to a Race and Racism class in which he stated that "understanding the founding of racism can

show us contemporary systems of racism." Additionally, the significance of acknowledging the relationship between slavery and the overrepresentation of AFRO Americans in today's prison system was explained by Wacquant (2002) who noted:

...that slavery and mass imprisonment are genealogically linked and that one cannot understand the latter—its timing, composition, and smooth onset as well as the quiet ignorance or acceptance of its deleterious effects on those it affects—without returning to the former as [the] historic starting point and functional analogue. (p.41)

Slavery posed a conflictual incongruity to those who fled the oppression of their homelands in search of freedom and a better life in the New World. In order to rationalize the contradiction of values that postulated the ideal of equality while actuating inequality, the White dominant group justified slavery by dehumanizing AFRO Americans (Alexander, 2010; Feagin, 2000; Fredrickson, 2002). The dehumanizing ideological strategy they employed classified AFRO Americans as an "uncivilized lesser race," even less intelligent than the "red-skinned natives" who had been denigrated as heathen

and savage (Alexander, 2010, p. 25).

Another strategy utilized to justify slavery was explained by Knepper (2000) who noted that in order to delineate racial hierarchies (superior/inferior), men who had previously identified themselves solely as English and/or Christian, created a Black/White paradigm that imposed the status of *inferior* upon the slaves. Thus, rationalizations for slavery propagated ideologies that postulated the innate inferiority of AFRO Americans which gave the White dominant group a mandate to own slaves and maintain control over them via slave codes (Alexander, 2010; Fredrickson, 2002).

Ideological rationalizations for slavery were diverse, but the most detrimental was the delineation of the Black male slave as criminal and inherently violent that has contributed to the perception throughout the centuries that the Black man is a "threat" (Fishman, 2006). Wilson (1978) explained that stereotypes that depicted the Black man as inherently violent created problematic consequences for plantation owners who feared slave revolts and wanted to curtail runaways. Plantation owner's fear of their slaves wrought laws in the form of slave codes that controlled every facet of the slave's

lives.

A further explanation of the dilemma was presented by Morgan (as cited in Wilson, 1978, p.29) who noted that slave labor presented a challenge to owners who had to make slaves "fear for their lives" if they refused to work. Because plantation owners needed compliant laborers, they utilized diverse strategies to maintain control. Gabbidon and Green (2005) examined the strategies used to maintain the system of slavery and discovered that in addition to slave codes, White dominants implemented psychological methods in order to maintain control over the minds of their slaves. Sullivan (2006) added to the discourse by noting Tocqueville, a 19<sup>th</sup> century French philosopher and sociologist, who reported that the American system of slavery in the South was an insidious form of despotism that violated the slave's psyches to the extent that the slave's internalization of innate inferiority divested him of "the desire for freedom" (Sullivan 2006, p.25).

Wilson (1978) expounded on the master/slave dynamic when he argued that it was epitomized by extreme differences in power and racial status that effectively stifled a "racially militant collective awareness" by the

slaves (p.122). Genovese (as cited in Wilson, 1978) noted that slaves had little or no protection from slave codes which became more "draconian" over time. The draconian nature of slave codes extended to the "free Negro" in terms of his status, manumission, and education (p.25).

The persistence of slavery in America, even after the rest of the World had prohibited the inhuman system, was due to Southern dominance in Congress. Commencing in 1789, a significant majority of the Nation's leaders were from the South (Wilson, 1978). Southern influence was so powerful that legislations, such as the Fugitive Slave Act of 1850, and the infamous Dred-Scott Decision of 1857,<sup>3</sup> were instituted to diffuse the system of slavery throughout the United States (Wilson, 1978). An insidious consequence of the laws was that they stifled the rights of the free Black, and created an institutionalized system that effectively criminalized escaped slaves who sought freedom.

The institutionalized inequity of the justice system

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3 The Fugitive Slave Act of 1850 mandated the return of runaway slaves even if they were found in a "free" state, and the infamous Dred-Scott Decision 1857 extended slavery west of the Mississippi and denied free Blacks the rights of citizenship (Wilson, 1978).

during the slave era was examined by Higginbotham (as cited in Gabbidon & Green, 2005) who studied appellate court cases from 1630 to 1865, and deduced from the data that the precept of the justice system's foundation was to maintain White supremacy, and therefore, differential distribution of justice was the norm of the day. Consequently, White dominants could rape Black women, murder slaves, and terrorize free Blacks with impunity, whereas, Africa's children were punished severely for any infraction of the law (Gabbidon & Green, 2005).

#### Emancipation's Vulnerabilities

Emancipation wrought a new set of woes for the freed slaves who had left plantations bereft of the barest of resources, jobs or education. Angela Davis (2010, February 25) explained to a vast audience at California State University San Bernardino that emancipation did not end slavery. She argued that if slavery had really been abolished the newly freed slaves would have been given jobs and education in order to assimilate into the greater society. However, that was not the case, and the joy of "freedom" was soon supplanted by despair as the

impoverished emancipated slaves encountered new forms of oppression and control from the White dominant group (Alexander, 2010).

A further explanation of the plight of the former slaves was given by Jenkins (2002) who explained that although the South had lost the war and masters had to free their slaves, in actuality, the freed slaves were vulnerable to the controls of the White dominant group because they had no resources, protections or protectors. Thus, after centuries of enslavement, four million illiterate freed slaves left plantations diseased, "barefoot and in rags," with little or no knowledge of how to survive on their own, and consequently, "their death toll was staggering" (Jenkins, p.87).

Many of the freed slaves migrated to cities and towns in search of lost relatives and employment, but because they were no longer under the "supervision" of White masters, they were powerless to withstand the violence and racism aimed at them from members of the White dominant group who were fearful that the "freedmen" would pose a threat (Jenkins, 2002, p.86; Mauer, 2004). A significant factor that affected the vulnerability of the freed slaves was explained by Beck and Tolnay (1995)

who ascertained that the post Civil War era engendered "a significant change in the way whites viewed blacks" (p.122). Images and stereotypes of the tractable, contented plantation Sambo were replaced with imageries of the threatening Black beast via cartoons and editorials from the pens of "fashionable writers" of the time. The demonization of the freed slaves was a strategy to maintain control and "protect white society" (Beck & Tolnay, 1995, p.122).

Alexander (2010, p. 20) argued that the Emancipation Proclamation was impotent, as it did not protect Black people from "white backlash against Reconstruction." She added that AFRO Americans were relegated to a subordinated position in some ways "worse than slavery," because the former slaves were subjected to new strategies implemented by the White dominant group to maintain control over them (Alexander, 2010). Although a war had been fought and won against slavery in the South, four million impoverished ex-slaves could not escape the strategies devised by the White dominant group to control them.

Strategies that dominant groups utilize to maintain control over subordinated groups change according to the

circumstances of the time (Alexander, 2010; Feagin, 2000). During slavery, slave codes enforced White master's domination over their slaves. After the South lost the Civil War, the White dominant group devised new strategies to control their "freed slaves." Black codes replaced slave codes as a means to maintain White dominance. The most insidious methods utilized were "vagrancy laws"<sup>4</sup> that propagated the convict lease system. The convict lease system criminalized the newly freed slaves in order to provide plantation owners with a free labor force (Alexander, 2010; Jenkins, 2002; Mauer, 2004).

Valelly (2004) explained that the permeation of Black codes was a method of reasserting White dominance by instituting "de facto reenslavement in the South" (p.28). Brokett (2000) illuminated the preceding assertion by noting that a passage in the Thirteenth Amendment authorized the reenslavement of AFRO Americans by providing an escape clause:

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4 Residency and vagrancy laws restricted freed slaves from entering or living in some Southern towns without a White man's authorization. Former slaves without authorization were subject to incarceration under the convict lease system that was instituted to maintain control over the freed slaves (Adamson, 1983).

Neither slavery nor involuntary servitude, **except as a punishment for crime whereof the party shall have been duly convicted**, shall exist within the United States, or any place subject to their jurisdiction.

(pp. 109-111) [Bold emphasis mine]

An argument can be made for Brockett's contention that the "except as a punishment for crime" clause was a strategy to legitimize the re-enslavement of AFRO Americans based on the fact that there were laws that punished criminals and prisons in the post-civil war era. Therefore, what other purpose could explain the redundancy of the clause if not to grant White Southerners a method to maintain control over four million freed slaves (Alexander, 2010; Brockett, 2000).<sup>5</sup>

The dire consequences of the "escape clause" legitimized the formation of the convict lease system and kindled the demonization of the Black male as a threat to the White dominant group. The impetus for the threatening Black male was explained by Alexander (2010) who noted that negative stereotypes of the Black male originated with Southerners who feared that angry freed

slaves would attack them in their beds. Thus, the convict lease system solved the White dominant group's fear of the freed slaves, while simultaneously provided them with a new slave system with enhanced benefits (Adamson, 1983; Alexander, 2010; Brokett, 2000; Davis, 2003; Mauer, 2004).

During pre-Civil War slavery, plantation owners had the cost and maintenance of their slaves, however, imprisoning the freed slaves via the deleterious convict lease system granted White Southerners the continuation of a free labor force with little or no cost and/or maintenance (Christianson, 2007). The exploitation of the freed slaves via the convict lease system was explicated by Free (1996) who reported that an effect of the convict lease system was that Southern prisons transformed from a 98 percent White population to a 95 percent former slave population. Moreover, conditions in the prisons were exacerbated for the convicts when Southern States relinquished their responsibility for the convict lease system to private companies who often worked the prisoners to death. The subsequent high

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5 The effects of the "exception clause" have been devastating for

mortality rate was indicative of the brutal treatment inflicted on the convicts who often found themselves in a more deplorable state than they had been in as slaves (Alexander, 2010). Thus, after 15 generations of enforced servitude, exploitation, deprivation, and the denial of their human rights, the freed slaves were subjected to racism, extreme poverty, and the convict lease system (Alexander, 2010; Free, 1996; Gabbidon & Green, 2005).

Jim Crow laws supplanted Black codes as a means to maintain White domination/control over Black Americans. Jim Crow laws were implemented and sustained by terrorism from the Ku Klux Klan (KKK). Gabbidon and Green (2005) explicated that the KKK emerged as a hate group organized to "suppress African American economic equality and pride" (p.14). AFRO Americans who dared to challenge the White dominant group were subjected to brutality and/or lynched (Alexander 2010; Feagin, 2000; Fredrickson, 2002). Feagin (2000) assessed the issue when he noted that Jim Crow laws exacted segregation, and its correlate inequality, in housing, employment and the justice

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generations of criminalized AFRO Americans.

system. Valelly (2004) expounded that a significant effect of Jim Crow laws was disenfranchisement.

Because disenfranchisement equates to powerlessness, AFRO Americans had "little or no representation of [their] interest in Congress... [and therefore,] White supremacy was dominate" (Valelly, 2004, p.147). Disenfranchisement coincided with segregation that extended to disproportionate joblessness, and relegated AFRO Americans vulnerable to impoverished life conditions, and terrorism from the White dominant group. Lynching was an insidious effect of disenfranchisement that was utilized to maintain White dominance/power over AFRO Americans (Free, 1996). Beck and Tolnay (1995) postulated that thousands of Black Americans were lynched by White mobs well into the mid-20<sup>th</sup> century. Thus, racist ideologies that had rationalized slavery persisted after the slaves were set free via Black Codes and Jim Crow laws.

### Contemporary Racism

One can discern from the preceding historical review that AFRO Americans have been oppressed and subjected to racist systems/structures instituted by the White

dominant group from the onset. Consequently, the assertion of this work is that the overrepresentation of AFRO Americans in the prison system is primarily due to unrelenting racist systems/structures (Wacquant, 2002). Thus, due to racism's ubiquitous effect on the lives of AFRO Americans, and the denial of racism by many members of the dominant group in the guise of "colorblindness," this work will examine systemic racism and its effect on the criminalization of AFRO Americans (Alexander, 2010; Bonilla-Silva, 2003; Christianson, 2007; Davis-Adeshote, 1995).

Racism is an effect of the human need to control and manipulate others. Coates (2008) argued that racism is "a socially constructed means of social control, [which] serves to perpetuate economic, social, political, psychological, religious, ideological, and legal systems of inequality" (p.208). The inequity of racism was expounded on by Feagin (2000) who argued that racism is a paradigm of deliberate purpose that reproduces itself over time to benefit the dominant group and to exclude subordinate groups from obtaining full citizenship.

The subordination of Black Americans has historically been denoted by their "otherness" that

differentiated them from members of the dominant group (Canales, 2000). The "otherness" of black skin relegated Africa's children to a subordinated caste (Alexander, 2010). Consequently, regardless of individual economic achievements or social prestige, AFRO Americans are treated by the White dominant society as "alien," underclass, and the established "other" <sup>6</sup> (Coates, 2008; Feagin, 2000; Fredrickson, 2002; McIntosh, 1988; Orfield & Ashkinaze, 1991; Russell, 1998).

An essential factor of racism was provided by Gilmore (2002) who noted that racism is about "power and difference" (p. 263). Commencing with slavery, White has been equated with power and Black with difference (Davis-Adeshote, 1995). Zatz and Mann (2006) agreed that "racism is all about power," and has the "multifaceted" flexibility to evolve over time (p.3). Furthermore, as the descendants of slaves, AFRO Americans have been victimized by a "virulent form of racism" that has propagated "their continued economic plight," which is defined by poverty, single-parent-families, inadequate

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6 I explain in the work that although Barack Obama and other AFRO Americans appear to have "made it" in American society, they are still perceived as Black and therefore, "other."

schools, and other social dysfunctions, such as criminalization (Zatz & Mann 2006, p. 4).

Kelly (2006) provided a salient indicator of contemporary racism when he reported that AFRO American "schools are as segregated as they were fifty years ago" (p.18). The significance of segregated schools in the twenty first century should not be ignored, especially given the fact that the Brown v. Board of Education ruling in 1954 was then thought to be a major strike against racism. Thus, segregated schools indicate that many AFRO Americans are still socio-spatially confined to ghetto conditions of racism in the post Civil Rights era (Wacquant, 2009).

Although segregated schools and neighborhoods would indicate that racism persists in the United States, many White Americans think that racism is limited to the acts of a few bigoted individuals and therefore, it is not a factor in the 21<sup>st</sup> Century (Bonilla-Silva, 2003).

However, a study by The Kirwan Institute (2006) repudiated the misconception that racism is confined to bigoted individuals. The study explored the historical legacy of structural racism and found a correlation between individuals, institutions, and ideological

structures that interact to "produce cumulative, durable, race-based inequalities... [that distribute] material and symbolic advantage and disadvantage along racial lines" (p.1). The distribution of economic advantage by race is indicative that racism is a salient factor in a society (Feagin, 2000; Wilson, 1978). If one accepts the preceding analysis (the impact of race on economic class), then U.S. Census Bureau (2008) data that enumerates AFRO Americans as having the highest poverty rate in American society (24.6 percent), would indicate that systemic racism has been a contributing factor in the continuation of Black poverty rates, and poverty's correlate, criminalization.

An explanation for the continuing impact of racism on AFRO Americans was rendered by Fredrickson (2002) who argued that racism is a "scavenger ideology" that utilizes ideas and beliefs from other ideologies over time, and the components of racism, power and difference, make it "permanent and unbridgeable" (pp. 8-13). He elucidated on the permanence of racism by equating racism to "a bacillus that we failed to destroy...a germ that...retains the capacity to generate new strains of the

disease (p. 145). Thus, one can view Fredrickson's (2002) equating racism to a "bacillus" as a powerful metaphor to explain why racism is still prevalent in the post Civil Rights era.

A less metaphoric explanation of the persistence of racism was delivered by Dr. Fenelon to a Race and Racism class (SSCI 316, January 19, 2010) in which he explained the immutability of racism. He explained that in the early twentieth century, German Jews had obtained assimilation never before achieved by Jews anywhere in the world (including the United States). Nevertheless, due to the "permanent and unbridgeable" nature of racism in which dominant groups maintain power over subordinate groups via racist ideologies, Hitler was able to reignite old stereotypes, prejudices, and fears which many Jews thought had been extinguished (J. Fenelon, SSCI 316, January 19, 2010, Fredrickson, 2002). Thus, although many would argue that racism is no longer a factor in the United States, the preceding arguments and a review of the literature and incarceration statistics indicate that there is a need for further discourse on the impact that racism continues to have on the Black experience (Feagin, 2000).

A consequence of AFRO Americans experience with racism may contribute to a racial divide on race issues (Feagin, 2000). An example of racial polarization between Black and White Americans was illustrated by the 1995 O. J. Simpson verdict. Whereas, most Black Americans agreed with the not-guilty verdict, most White Americans felt betrayed by the verdict (Linder, 2000).<sup>7</sup>

Joe Feagin (2000) may have provided an explanation why AFRO Americans and White Americans often have divergent views of social issues when he explicated that systemic racism is endemic within American society, and is manifested via "racist ideologies and attitudes [that are] created to maintain and rationalize white privilege and power" (p.6). In other words, systemic racism rationalizes white power and privilege and grants members of the White dominant group a lack of consciousness of the benefits they receive from being White or the

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<sup>7</sup> The 1995 O. J. Simpson murder trial was viewed by millions of Americans. Simpson was accused of murdering his wife and a White male companion. Although the evidence was overwhelming in the case against him, his fame, and the best team of lawyers money could buy were able to place doubt in the minds of the jury who granted him a not-guilty verdict. The trial in which a Black man received a "not-guilty" verdict in the murder of two members of the White dominant group was almost unprecedented. Historically, statistics have revealed a pattern of Black men being given the "death sentence" when

realities of being a member of a subordinated group that has historically been subjected to systemic racism (Bonilla-Silva, 2003; Feagin, 2000; Fluehr-Lobban, 2006; Kivel, 2002; Sullivan, 2006).

The effects of systemic racism were further examined by Ausdale and Feagin (2001) who noted that "systemic racism" encompasses "...white attitudes, emotions, practices, and institutions that are central to white domination of African Americans and other Americans of color" (p.29). Therefore, the power dynamic that grants White Americans the benefits of dominance, would clearly contribute to divergent perceptions of racial issues by White and Black Americans. Thus, one can argue that White Americans who deny that racism remains a factor in the 21<sup>st</sup> Century, are manifesting a form of racism, "white privilege" (Alexander, 2010; Bonilla-Silva, 2003).

### White Privilege

America was founded and dominated by White men well into the mid-twentieth century when minorities and women fought for their equal rights. Although gains have been

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they were accused of murdering White Americans (Linder, 2000; Mauer, 2006).

made for minorities and White women, as members of the dominant group, White women, in conjunction with White men, are the recipients of an advantage that few minorities can acquire. Being a member of the White dominant group is an advantage that affords one an easier access/acceptance in the world (Aanerud, 2002; Feagin, 2000; Kivel, 2002; Kelly, 2006; McIntosh, 1986; Rabow, 2006). Numerous authors have addressed this issue as "white privilege." Peggy McIntosh was one of the first.

Peggy McIntosh (1986) is a feminist who argued that men denied their male privilege at a cost to women (e.g., men's advantages were women's disadvantages). She later became cognizant that because hierarchies are interlocking, white privilege, like male privilege, is also denied and protected. McIntosh (1988) has "given up the myth of meritocracy" and has acknowledged that when she hears White Americans argue that there is equal opportunity in the US, it's really about maintaining their position of dominance, while denying the dominant social systems that maintain inequality (p.81).

Paula Rothenberg (2007) is another feminist who noted the power of white privilege. She indicated that "white privilege is the other side of racism," and

therefore, should be part of any discussion on race (p.1). Other White Americans were also forthright in their discourse on the benefits they receive from being members of the dominant group. Sullivan (2006) explained that racism has "a long history of perpetuating itself through political, economic, national, global, educational, and other institutions that are much larger than the individual" (p.4). She further explicated that among the significant benefits of white privilege are ignorance of the "ugly realities of white domination," and the presentation of "a positive image of white people" via "colorblindness" (p.18). Moreover, the concept of "colorblindness" provides the dominant group "white privileged ignorance" of racist structures that maintain white dominance with its inherent "benefits" (Bonilla-Silva, 2003; Sullivan, 2006, p.5).

Kival (2002) viewed the benefits of being White with scholarly objectivity and argued that the social aspect of racism does not require the beliefs of individual actors because racism is systemic, and therefore, "completely independent" of his or other White actors. Furthermore, "unequal wages, unequal treatment in the legal system and segregation in jobs, housing, and

education would continue" even if the majority of White Americans proclaimed that they were "non-racists" (p. 3). Robert Jensen (2005) also examined his contribution to racism as a White man and reported that America is a "white country." Furthermore, what makes America a "white country...is not the fact that most Americans are white, but the assumption—especially by people with power—that American equals white" (p.89).

The soul searching honesty provided by the preceding authors revealed a striking truth, that white privilege grants benefits for the White majority that are denied to the majority of AFRO Americans and other minorities (Kelly, 2006). A prominent aspect of white privilege is the underrepresentation of White Americans in the criminal justice system (Christianson, 2007). The underrepresentation of White Americans in the prison system is cogent evidence of the benefits of white privilege.

Racial incarceration disparities were studied by Mauer and King (2007) who noted that AFRO American incarceration rates are 6 times that of White Americans. This statistic is of essential import due to the demographic disparity that exists between White and Black

Americans. According to Grieco and Cassidy (2000), White Americans represent almost 70 percent of the population, whereas AFRO Americans represent 13.5 percent of the population.

### Repercussions of "Otherness"

Throughout the history of American society AFRO Americans have been the designated "alienated other." The identification of a person as "other" is created and maintained by societal processes that determine who is to be included as "us" and who is to be excluded as "not us" (Feagin, 2000, Fredrickson, 2002; Kelly, 2006). Canales (2000) referred to the alienation and exclusion of the other as "othering." The "othering" of AFRO Americans has been a method for unification of Whites across social and economic stratifications. Conversely, the social consequence of "othering" for AFRO Americans has been oppression, exclusion, marginalization, alienation, and criminalization (Canales, 2000; Feagin, 2000).

A detrimental consequence of "otherness" has wrought the perception by many Americans that Black Americans have a proclivity for crime (Gabbidon and Green, 2005). The perception that Black Americans have a criminal

proclivity has a negative ubiquity on our lives.

Although I am a portly woman with good credit of plus 65 years, when shopping, I am aware that there is extra surveillance on me (Rabow, 2006). Although I have experienced the humiliation and effects of being perceived as a criminal (I will discuss this matter further in Chapter Four), the perception that AFRO Americans have a criminal proclivity has had an even more deleterious effect on young Black males (Alexander, 2010).

Politicians and the media have evoked the image of the "menacing Black male" to the extent that I react with angst in his presence; yet, I do not have the same reaction in the presence of Latino, White or Asian males (Alexander, 2010; Green, Staerkle & Sears, 2006). Other Black women share my perturbation of the Black male. Laura Fishman (2006) provided an explanation for her fear of the Black male as an AFRO American woman. She noted that doctrines of fear began with White slavers who rationalized their racist ideologies and slavery by defining the Black male as criminal and inherently violent. Moreover, throughout American history there has been an ongoing process "of defining blacks to fit white

people's racist attitudes," and ideologies, which emphasized negative imageries of the Black male in order to "scare respectable Americans" (Fishman (2006), p.198). A devastating consequence of sustained negative imageries of the menacing Black male has rendered his overrepresented in the prison system.

Negative imageries of the menacing Black male have generated policing strategies, such as racial profiling, that target AFRO Americans from all social stratum (Carmen, 2008; Mauer, 2006). Racial profiling is the utilization of race as a "key factor in police decisions to stop and interrogate citizens" (Alexander, 2010; Weitzer & Tuch, 2002, p.435). Although the most controversial form of racial profiling has been coined as "Driving While Black" (DWB), Gabbidon and Green (2005) expounded that racial profiling affects AFRO Americans while performing other activities, such as walking (in White neighborhoods) and shopping.

The controversial nature of racial profiling has generated polls that have attempted to discover demographic variance in opinions on the issue. The results of a 2004 Gallup Poll were studied by Walker, Spohn, and DeLone (2007) who reported that 63 percent of

Hispanics, 50 percent of Whites, and 67 percent of AFRO Americans believe that racial profiling is "widespread." They also noted that "the issue is not confined to traffic enforcement" (p.127).

Mauer (2006) provided an example of the inequity of racial profiling in policing when he noted a study of policing practices in Volusia County, Florida. Although AFRO Americans and Hispanics represented less than "five percent of drivers on the county's highway," they accounted for "more than 70 percent of all drivers stopped" (p.141). However, the disproportionate policing policies in Volusia County do not occur on a national basis. Mauer's (2006) study disclosed a disconcerting statistic in which White drivers were "four times more likely" than Black drivers to have "criminal evidence" on them when stopped and searched by police (p. 142). The preceding statistic illustrates a benefit of white privilege in which White criminal offenders are less likely to be caught because as members of the White dominant group they are not viewed as having a criminal proclivity.

Racial profiling has an insidious effect on AFRO Americans. A prominent example of the effect racial

profiling has on the psyches of AFRO Americans was reflected in the arrest of Henry Louis Gates Jr., a renowned AFRO American scholar and personal friend of President Obama. The publicized incident was reported by Tracy Jan (2009) as follows:

Harvard professor Henry Louis Gates Jr., one of the nation's pre-eminent African-American scholars, was arrested Thursday afternoon at his home by Cambridge police investigating a possible break-in. The incident raised concerns among some Harvard faculty that Gates was a victim of racial profiling. (para.

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While handcuffed, Gates revealed his thoughts on the matter when he vociferated, "Is this how you treat a Black man in America" (Thompson, 2009, para. 8). Gates later explicated, "what it made me realize was how vulnerable all Black men are; how vulnerable all people of color are...to capricious forces, like a rogue policeman" (Emery, 2009, television broadcast). Bolton and Feagin (2004) may have provided an explanation for Professor Gates' angst over his arrest when they argued that "cumulative knowledge of racism" affects one's perception of racism (p.31). Moreover, as a member of a

subordinated group that has been historically oppressed by racist systems/structures, Gates had accumulated an "array of important strategies for countering and coping" with racism, which may explain his reaction (p.30).

Because President Obama commented on the incident during a Press Conference, the event was highly publicized and debated. All the cable news networks dedicated hours to either berate the President and/or Gates (Fox News) or support them (MSNBC). Yet, there has been little or no discourse on the crux of the matter which is that even an AFRO American with Dr. Gates credentials and social standing perceived his arrest as a case of racial profiling.

The detrimental effect of racial profiling on AFRO Americans was illustrated by Chris Rock (Paul & Truesdell, 1999), a successful Black entertainer, who brought his comedic interpretation to the issue when he mocked:

I had a cop pull me over the other day and scared me so bad [he] made me think I stole my own car [he ordered me to] "get out [of] the car, [and vociferated] you stole this car." I thought maybe I

did, oh Lord, [I thought to myself] I done stole a car. (Paul & Truesdell, 1999)

Although presented as a repartee, Chris Rock unveiled a wound that I and other AFRO Americans have received from being perceived as criminals by the White dominant group.

### America's Incarceration Ignominy

The United States incarcerates more of its citizenry than any other nation in the world. Bureau of Justice Statisticians West and Sabol (2007) reported that "during 2007, the prison population increased more rapidly than the U.S. resident population" (April, para. 1).

Astoundingly, the United States incarcerates its citizens at almost twice the rate of China, a nation that has four times America's population (Liptak, 2008b). Vogel (2007) explained that the U.S. penchant for punitiveness that has cast our nation into ignominy as "the country that incarcerates the greatest share of its population" cannot be explained by the research or crime trends, because, as crime rates dropped, prison expansion continued (p. 1).

The incongruity of the data that indicate a downward trend in crime congruent with prison expansion was explained by Michelle Alexander (2010) in her

authoritative book, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. She attributed the expansion of America's prison system to a new form of control over Black Americans engendered by the war on drugs (Alexander, 2010; Christianson, 2007; Mauer, 2006). The war on drugs effectively transformed America's prisons from detention centers designed to contain violent criminals to warehouses filled with Black and Brown non-violent inmates, many of whom were first time offenders (Alexander, 2010).

The expansion of the prison system commenced with "tough on crime/drugs" political campaigns that coincided with the Civil Rights movement (Gaubatz, 1995; Peffley, & Hurwitz, 2002; Vogel, 2007). Brokett (2000) explained that the Civil Rights movement forced the hand of the power elite to implement legislative changes in the criminal justice system that targeted the Black man. The correlation between the rise in the prison population and post Civil Rights racism had earlier been examined by Gaubatz (1995, p.6) who ascertained that in 1964, Barry Goldwater warned the public of a "growing menace," and thereby, issued in a new era of "tough on crime" political campaigns. Because Goldwater's tough on crime

campaign coincided with the Civil Rights Act of 1964, one can construe that the "growing menace" was code for AFRO Americans (Alexander, 2010; Gaubatz, 1995).

Blumer (1958) provided support for a correlation analysis between the passing of the Civil Rights Act (1964) and Barry Goldwater's "growing menace" pronouncement. Blumer (1958) analyzed race prejudice and explicated that members of dominant groups feel superior to subordinate groups, and therefore, mistrust subordinate groups that attempt to infringe on their prerogatives and privileges. Thus, one can deduce that Goldwater's "growing menace" pronouncement was a form of backlash to Civil Rights legislation that granted equal rights to AFRO Americans (Blumer, 1958; Gaubatz, 1995; Gittinger & Fisher, 2004; Mayer, 2001).<sup>8</sup>

Richard Nixon also utilized a "tough on crime" campaign agenda as a means to win the presidency (Alexander, 2010; Mauer, 2006). According to Gilmore (2002), "tough on crime" political slogans first emerged with Richard Nixon's campaign in 1968. She argued that

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<sup>8</sup> Mayer (2001) examined the 1964 presidential election and noted that white backlash to the Civil Rights movement was a significant factor Goldwater's campaign platform.

in order to neutralize the liberal mood of the nation and shift the tax burden from corporations to the middle class, Nixon, in concert with the power elite, utilized the riots of the 1960's to promote the image of the angry Black male as a threat to middle class White Americans (Alexander, 2010; Gilmore, 2002).

The use of negative images of the angry Black man as a political ploy was scrutinized by Alexander (2010) who argued that the Republican Party initiated a form of racial politics that appealed to disgruntled White working class voters who were against busing and affirmative action. Because overt racism was frowned upon (due to the Civil Rights Movements of the era), politicians employed a new race-neutral language in which "law and order" replaced "segregation forever," and "we're going to get tough on them" (in which "them" was implicit code for AFRO Americans), replaced "old racist sentiments" (Alexander, 2010, p.40). The strategy was so effective that it has been utilized in subsequent political campaigns to the extent that Bill Clinton and other Democrats have been accused of stealing the issue from Republicans (Alexander, 2010, p.40; Beckett, 1994; Mauer, 2006; Russell, 1998).

Although covert race-neutral language in the form of "tough on crime" slogans was employed by subsequent political campaigns, it was George H. W. Bush who overtly exploited racist stereotypes in his 1988 political advertisements in order to play on the White dominant group's fear of the "black bogymen" (Alexander, 2010; Fishman, 2006). As a strategy to cast Michael Dukakis as "soft on crime," television advertisements for Bush were wrought with menacing mug shots of Willie Horton, a dark skinned, convicted murderer who had raped a woman while on work furlough (Alexander, 2010; Beckett, 1994; Fenelon, lecture in SSCI 316, August 25, 2009; Gaubatz, 1995, p.6; Holian, 2004; Mauer, 2006; Russell, 1998).

Politician's use of "tough on crime" campaign agendas was noted by Chambliss (1995) who termed the practice, the "politicization of crime." The politicization of crime has had dire social consequences due to the shift in government funding from social services to crime control (Chambliss, 1995; Donziger, 2007, p.57). According to Donziger (2007), due to the politicization of crime, there has been a proliferation of crime bills generated by Congress and state legislatures that expanded the prison system "from

500,000 to 1.5 million" between 1980 and 1994. Warren (2008) supplemented the discourse when he reported that as of 2007, there were 2.3 million adults being held in the penal system or an astounding 1 in 100. When one notes that Germany incarcerates 93 adults per 100,000, it becomes clear that America's incarceration rates are a national disgrace.

#### Inequity of the Justice System

Remarkably, the expansion of America's penal system is not due to an increase in violent crime, but due to laws that mandated time served by non-violent drug offenders (Donzinger, 2007; Mauer, 2006). Moreover, there is a direct correlate between the increase in the prison population and war on drug campaigns that targeted AFRO Americans disproportionately (Beckett, Nyrop, & Pfingst, 2006; Mauer, 2006). AFRO Americans have been adversely affected by mandatory sentencing laws that replaced discriminate sentencing<sup>9</sup> (Bonczar, 2003). A

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<sup>9</sup> Mandatory sentencing revoked judges and prosecutors ability to apply their discretion in granting a defendant probation or prison. Consequently, persons caught with small amounts of marijuana received 5-15 year sentences (Alexander, 2010; Mauer, 2006).

disparity analysis of mandatory sentencing laws was provided by Mauer (2010) who indicated that the laws "imposed far harsher sentencing penalties on persons convicted of crack cocaine offences than powder cocaine" (p.172). The sentencing disparity was racialized because crack cocaine was a cheap by-product of powder cocaine, and therefore, primarily used by poor AFRO Americans, whereas, powder cocaine was the drug of choice for many upper and middle class White Americans (Alexander, 2010; Mauer, 2010).

Rabow (2002) illuminated a cause for the racialized discrepancy when he explained that what White Americans do is considered normative, whereas the foreign otherness of AFRO Americans make them suspect, and therefore, targets for criminalization. Thus, the "otherness" of Black Americans has rendered them to the deleterious position of constituting "more than 80 percent of the people subsequently sentenced to mandatory five and ten year prison terms" (Mauer, 2010, pp.172-173).

Longer prison terms necessitated increased funding. Legislations such as the 1994 Federal Crime Control Act allocated states with the highest police reported crime rates more federal funds (Alexander, 2010; Donziger,

2007). Thus, billions of federal dollars became the impetus behind the war on crime as police departments nationwide vied for federal funds for training and equipment (Alexander, 2010; Donziger, 2007; Loury, Karlan, Wacquant, & Shelby, 2008; Mauer, 2006).

The repercussions of federal funding incentive policing targeted the Black community disproportionately (Feagin, 2000; Loury, et al., 2008). Black communities became military zones under persistent police surveillance. Brunson and Miller (2006) noted that police departments treated Black and White neighborhoods differentially. Upper and middle class areas were virtually ignored, whereas poor urban areas were aggressively policed. The cumulative result of aggressive policing of "street crime" in AFRO American communities has contributed to the disproportionate imprisonment of AFRO Americans (Alexander, 2010; Beckett, 1994; Brunson & Miller, 2006; Donziger, 2006; Mauer, 2004; Mauer, 2006; Pettit & Western, 2004; Rand & Loeffler, 2008; Russell, 1998).

The focus on "street crime" in Black neighborhoods has been the topic of numerous studies. Beckett's (1994) study suggested that the politicization of crime and drug

issues were a "social construction" that was generated by the media and "state actors" as a means of building opposition to social reform movements of the 1960's (p.444). The effects of the politicization of crime, street crime in particular, has had a devastating effect on the AFRO American community (Miller, 2003). Black drug arrests soared from 6.5 per thousand in 1980 to 29.1 per thousand in 2000, whereas White drug arrests for the same period barely rose at only 1.1 percent per thousand (Beckett, et al, 2006).

The racial disparity for drug arrests was researched by Alexander (2010) who noted that drug convictions have increased 1000 percent since the drug war began. However, only 1 out of 5 drug arrests are for sales. Moreover, marijuana, a drug that is less harmful than tobacco or alcohol, and is used by White Americans as frequently as Black Americans, accounted for 80 percent of the increase in incarceration during the height of the drug war in the 1990's (Alexander, 2010; Christianson, 2007; Mauer, 2006). Although studies on drug use in America have shown that White Americans use drugs at an equal or higher rate than Black Americans, relatively few White Americans are arrested for drugs, whereas, in some

states, Black Americans account for 80 to 90 percent of drug arrests (Alexander, 2010, Chambliss, 1995, Christianson, 2007; Mauer).

The racial disparity of drug arrest for Black and White Americans was discussed by Wacquant (2009) who reported that since the last half of the 20th century the "white-black incarceration gap has grown rapidly...jumping from 1 for 5 in 1985 to 1 for 8 today" (p.43). Liptak (2008a) added that incarceration rates for "black men between the ages of 20-34, are one in nine" (para. 3). The incarceration of one in nine young Black men has the devastating effect of perpetuating the image that AFRO Americans have a proclivity for crime and may result in an AFRO American criminal class (Davis, 2003; Pettit & Western, 2004).

The effectuation of an AFRO American criminal class was explicated by Alexander (2010) who argued that although it is no longer acceptable to use race to discriminate, the drug war has effectively created a new race based caste system analogous to the Jim Crow era. She argued that:

Today it is perfectly legal to discriminate against criminals in nearly all the ways that it was once

legal to discriminate against African Americans. Once you're labeled a felon, the old forms of discrimination—employment discrimination, housing discrimination, denial of rights to vote, denial of educational opportunity, the denial of food stamps and other public benefits, and exclusion from jury service—are suddenly legal. (p. 2)

Furthermore, after studying the research, Alexander (2010) found that more AFRO Americans are under the jurisdiction of the criminal justice system (probation, parole, jails and prisons) than were enslaved in 1850. Consequently, mass incarceration of AFRO Americans has affected a redesigned form of the Jim Crow era, because as criminals, Black Americans are once again relegated to a permanent inferior status (Alexander, 2010; Kelly, 2006).

### Born Criminals

Historically, racist ideologies were generated as control mechanisms to keep Black Americans in a subordinated position. In the past, Black Codes and Jim Crow disenfranchised AFRO Americans from the "decision making process; today, lockout is achieved through lock-

up" (Gilmore, 2002, p.273). For centuries AFRO Americans were enslaved, and deprived of human dignity. Post emancipation wrought Black Codes and Jim Crow dictates that subjected AFRO Americans to an inferior status. Today, millions of AFRO Americans have been effectively locked out of full citizenship as felons (Alexander 2010; Mauer, 2006).

The criminalization of AFRO Americans has roots in social Darwinist theories that advanced racist ideologies that asserted the belief some people were born criminals (Hodgson, 2004). The born criminal theory was easily ascribed to the descendents of slaves due to their "otherness." Reasons (2002) illustrated that "contemporary examples of the born criminal theory are found in pseudoscience... [in which] Blacks are innately inferior to Whites in terms of IQ, and therefore, they have higher crime rates" (p.52). Thus, the born criminal theory operates as a rationalization for those who do not want to acknowledge that racism is a significant factor in the overrepresentation of AFRO Americans in the prison system (Reasons, 2002).

The denial that racism is a causal factor in the disproportionate incarceration of AFRO Americans has been

propagated by the media. However, the media's subtle and overt racist depiction of Black Americans as "other" has given credence to many White Americans beliefs that AFRO Americans pose a criminal threat (Mauer, 2006). Entman (1994) studied the media's impact on Black incarceration when he analyzed the 3 major news networks (ABC, CBS, NBC) to determine if there was a racial component in broadcast news. He found that 77 percent of the time Blacks were accused of committing a violent or drug offense compared to 42 percent for Whites. Furthermore, Entman (1994) reported that on local news' broadcasts, "blacks were twice as likely as whites to be shown in the physical grasp of a police officer" (p.513).

The consequence of television newscast portrayals of AFRO Americans being "taken" into custody has reinforced the image that Black equates with crime and other negative stereotypes for many members of the White dominant group (Bolton & Feagin, 2004; Kelly, 2006). Lynch (2008) contributed to the discourse in his study in which he found that "many whites believe that Blacks are a nuisance, are prone to criminal behavior, prefer welfare over work, and embody other negative stereotypes" (p. 9). Thus, the media's negative depiction of AFRO

Americans has sustained the belief by many members of the White dominant group that Black equates with crime (Dyson, 2006).

The perception that Black equates to crime has been utilized by many White Americans as a means to defray criminal investigations from themselves (Russell, 1998). The most infamous was Susan Smith, who received national television coverage in 1994 when she reported that her 2 sons had been abducted by a Black man, until a polygraph and inconsistencies in her story led to her confession to the crime (Davis, 2003; Montaldo, n.d.). Smith, and other White Americans who committed crimes and then claimed that a Black man did it, utilized racist ideologies and/or stereotypes in order to make their stories believable (Davis, 2003). White Americans who use the "black man did it" strategy are able to accomplish this deception because after centuries of negative stereotyping, many members of the White dominant group equate Black with crime/criminal (Davis, 2003; Feagin, 2000; Fishman, 2006; Kelly, 2006).

The media generated perception that AFRO Americans are prone to crime extends to kindergarten children who have been handcuffed, and/or arrested for having temper

tantrums in class.<sup>10</sup> Moreover, Black police officers cannot escape the ubiquitous effect of negative imageries of Black criminality. Bolton and Feagin (2004) interviewed Black police officers who communicated that they had been the victim of racial profiling (DWB). The officers also reported that they had been denied promotions because of their race, and had experienced racist behavior toward themselves and members of the Black community by White officers. Due to the probability of being mistaken for a criminal, many Black police officers fear that they might be killed by White officers (Gendar, Pearson, Paddock, & Standora, 2009, para, 5).

Negative stereotypes, ideologies, and laws that are/were used to enforce the White racial hierarchy have had a detrimental effect on the generational development of Black Americans (Davis-Adeshoté, 1995; DeGruy-Leary, 2005; Gabel, 2003). Centuries of living in a White dominated country as a subordinated people has caused many AFRO Americans to view themselves as the dominant

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<sup>10</sup> Bargeld (2007) reported that a scared 6 year old girl was handcuffed, transported in a police car, and thrown in jail, for a and the maincausing a disturbance in class in Avon Park, Florida.

group views them (Rabow, 2006). The internalization of the dominant group's negative imageries of Black Americans has had problematic consequences (Alexander, 2010).

Negative images of Blackness are reinforced by White teachers who are often the first to inscribe negative stereotypes on Black children (Alexander, 2010; Rabow, 2006). As a result of internalizing negative stereotypes, Black children "act up" in class, and often call each other derogatory terminologies such as ugly, nappy headed, big nose, thug, etc. (Akbar, 1996; Davis-Adeshoté, 1995; Rabow, 2006). Thus, the internalization of negative imageries of blackness serves to perpetuate the White dominant group's stereotypes of inferiority on the AFRO American psyche (Akbar, 1996; Ausdale & Feagin, 2001; Davis-Adeshoté, 1995; Feagan & Cobas, 2008).

The internalization of negative stereotypes has engendered negative coping mechanisms for young Black men. Michelle Alexander (2010) found in her study that a natural reaction to being "severely stigmatized" by negative imageries has engendered a problematic coping mechanism in young Black men (p.167). She noted that when they are labeled as criminals by family, teachers,

and societies' authoritative representatives, young Black men react as all severely stigmatized groups, they "embrace their stigmatized identity" as a form of political protest in order to garner "some measure of self-esteem" (p. 167).

Thus, by embracing the "thug persona" in dress and behavior, young Black men are displaying a form of dissent against a society that brands them "criminals." Alexander (2010) asseverated that due to an absence of quality education, and/or job opportunities, America condemns young Black men as criminals, while it denies them the means of becoming productive members of society. Consequently, the young Black male's capitulation to the criminal persona is a form of self-filling prophecy that condemns them to the stigmatized role of career criminal (Alexander, 2010).

#### Summary

One can perceive from the preceding literature that the overrepresentation of AFRO Americans in the prison system is a cumulative effect of centuries of racist systems/structures. However, many argue that the overrepresentation of AFRO Americans in the prison system

is due to their participation in criminal activity. Donziger (2007) repudiated that assumption when he observed that although arrest rates of AFRO Americans would indicate that they commit more crimes (seven AFRO Americans to one White in prison), when one reads the literature and data in which "the majority of available studies conclude that racial discrimination can and often does play a role in the prosecutorial decision," it becomes clear that "Whites and African Americans live in different worlds when it comes to the justice system" (Donziger, 2007, pp.65-67).

Causal factors for racialized disparities in the justice system were summarized by Christianson (2007) who explained that the true intent for the expansion of America's prison system has been masked by Washington via the war on crime in which racial bias is predominate. A salient example of the disparate racial transformation that occurred in the United States is New York's prison system. Commencing "from 1955-1992, the white share of the New York State prison population had plummeted from about 50.9 percent to less than 16 percent" (p. 139). However, as the White incarceration rate decreased in New York, Black incarceration rose to the point that nearly

25 percent of young Black men were under the supervision of New York's penal system (Christianson, 2007).

California is another example of a state that had a racial transformation in its prison system. "In 1977, California's prison population numbered 19,623...in 1978 the state adopted tough new determinate sentencing laws and the prison admission rate began to increase...rising to 173,000..." (Christianson, 2007, p.140).<sup>11</sup> The increase was due to the war on crime/drugs that targeted young Black males disproportionately. Consequently, "by 1989, one of every three black men between the ages of 20 and 29" were under the control of California's criminal justice system (Christianson, 2007, p. 140). The racial disparity is especially disturbing when one notes that AFRO Americans are less than seven percent of California's population (Bailey & Hayes, 2006).

Christianson (2007) disclosed another disturbing indicator that racism is a salient factor in the expansion of America's prison system. He employed

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11 The rise in California's incarceration rate was not due to an increase in violent crime, on the contrary, incarceration rates increased, as violent crimes decreased or stabilized (Christianson, 2007).

cost/benefit analysis and found that America's prison expansion has a profit motive component. It has become profitable for rural communities to obtain their share of the billions spent on state and federal prisons. The influx of government funds provides jobs to carpenters, electricians, plumbers, and their suppliers. Due to the incarceration of Black Americans, prisons have become the one industry that cannot be outsourced, and thus, a prison job is a secure job.

As a capitalistic nation, financial incentives have engendered the privatization of America's prison system (Christianson, 2007; Gottschalk, 2009). There has been a 500 percent increase in privatized prisons from 1985-1995. The correlate of which has been the increase in prison labor. Prison labor has become a multi-billion dollar industry. According to Christianson, (2007), inmate laborers increased by 358 percent from 1980 to 1984. Astoundingly, prisoners are often compelled to work with meager or no remuneration. Although politicians and many Americans would decry convict labor in China and other countries "as a violation of human rights," prison labor in the United States is

rationalized and/or ignored by the majority of Americans (Esposito & Wood, 1982).

America's violation of prison inmate's civil rights today is sanctioned by the "exception clause" in the 13<sup>th</sup> Amendment (Brockett, 2000; Christian, 2007, p.146). The 13<sup>th</sup> Amendment was a two edged sword that freed the slaves, while it granted their re-enslavement for the commitment of crime. Thus, as the freed slaves were exploited by their ex-masters via the convict lease system, the descendants of those slaves are exploited today as prison laborers (Alexander, 2010; Cheung, 2004; Christianson, 2007).

The privatization of America's prisons has problematic social consequence because profit motivated prisons require inmates to fill the cells (Cheung, 2004). Consequently, in order to increase profits, private prison companies lobby Congress and finance candidates who will be tough on crime (Christianson, 2007). Since members of the White dominant group would protest if 25 percent of their sons, husbands, and fathers were imprisoned, the AFRO American male has become the prototypical inmate due to the historical perception that he is a threat. Consequently, the AFRO American male is

disproportionately represented in the prison system (Chuang, 2004; Christianson, 2007; Mauer, 2007).

Christianson (2007) illuminated another factor that repudiates the rationale that AFRO Americans' overrepresentation in the prison system is due to a preponderance of criminal activity. After examining national crime trends, he noted a disturbing indicator that racism is the salient factor in the incarceration of AFRO Americans. Christianson (2007) found an inverse occurrence that one can only attribute to functioning racist systems/structures to explain why states with the least AFRO American residents had the highest Black incarceration rates; conversely, states with the highest Black population had the lowest Black incarceration rates. Therefore, if the overrepresentation of AFRO Americans in the prison system is due to their criminality, then what can one attribute the foregoing conundrum if not to racist systems/structures as the causal factor in the egregiously disparate incarceration of AFRO Americans?

## CHAPTER THREE

### METHODS

#### Research Explanation

The purpose of the study was to provide awareness that although we have a Black president, systemic racism is still operational in the United States as exemplified by the overrepresentation of AFRO Americans in the prison system. A primary factor in the disproportionate incarceration of Black Americans has been the perception that AFRO Americans have a criminal proclivity and therefore society is made safe when you "lock them up" (Alexander, 2010; Mauer, 2004, 2006). The perception that AFRO Americans have a criminal proclivity has a historical base that has been fostered by politicians and reinforced by the media's negative imageries. The media has implanted the image of the intimidating Black male in movies, television, and news reports to instigate fear in the average American.

Thus, the cumulative nature of racism in the United States has engendered a stigmatized criminal class of Black Americans who are denied the hope of escaping the loop of criminality that they and their progeny are

entangled (Alexander, 2010; Donziger, 2007; Foucault, 1979). The dire consequence of the criminalization of millions of AFRO Americans has, and will have devastating effects for the future of the Black community.

Therefore, the study was designed to explore the factors that may have contributed to the overrepresentation of AFRO Americans in the criminal justice system (Alexander, 2010).

In order to facilitate the study, the researcher utilized a qualitative and quantitative mixed methodology format that consisted of survey data, interviews, and personal narrative. The study had several objectives: 1) to determine if a diverse demographic of undergraduate students response to the survey questions posed would be influenced by their race; 2) to discover if the impact of the media has contributed to a fear of the Black male; 3) to determine the effect that systemic racism had in the researcher's arrests; 4) to examine contributing factors in the overrepresentation of AFRO Americans in the prison system.

## Participants and Research Instruments

The researcher received IRB approval for the study in June, 2008.<sup>12</sup> The survey was administered to a non-vulnerable, diverse group of 306 students who attended California State University San Bernardino (CSUSB). Many of the students were selected randomly from anyone willing to participate (72). However, the majority of the students were recruited from capstone "Race and Racism" classes (SSCI 316). The student participants were issued an informed consent notification that explained that their participation was strictly voluntary and their confidentiality/anonymity would be respected.

The qualitative portion of the study consisted of interview questions that were presented to 14 AFRO Americans. Six of the fourteen Black participants were drawn from neighbors and acquaintances. The remaining eight participants were prison inmates incarcerated in the California Men's Colony (CMC) near San Luis Obispo.

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<sup>12</sup> Although the researcher received IRB approval for the survey and the interviews with the six non-incarcerated AFRO Americans, due to a precipitous action by the researcher's incarcerated nephew (explanation given in text), IRB approval was not given for the 10 questions or the interviews with the eight prisoners.

The researcher developed a list of formal questions for the survey and interviews. They consisted of ten open ended questions for the prison inmates (see explanation within text), eight open-ended questions for the interviews with the non-prisoners, and nine closed statements for the survey (See Appendices' B, C, and D). Content analysis was utilized to identify themes derived from the interviews (Berg, 2004).

### Survey

The majority of the student participants (234) selected for the survey were a convenience sample<sup>13</sup> drawn from Race and Racism classes taught by Dr. Fenelon in the Winter and Summer quarters of 2009 (SSCI 316). The remaining 72 student participants were recruited from the campus at large during the Winter, Spring and Summer quarters of 2009. There was a slight discrepancy between the study's student participant demographic and that of the CSUSB student population. The CSUSB student population is comprised of the following groups and percentages: Hispanic 36.4 percent, White 31.1 percent,

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13 As the TA for all Dr. Fenelon's Race and Racism classes, I utilized the students in his classes for the survey (Berg, 2004).

AFRO American 11.8 percent, Asian/Pacific Islander 7.9 percent, Other 8.7 percent, International 3.5 percent, and Native American .7 percent. However, the studies demographic had almost twice as many AFRO Americans in addition to a White majority (White 33.7 percent, Hispanic 25.8 percent, AFRO American 19.0 percent, Asian 10.1 percent and Other 11.4 percent).

The ages of the survey's student participants ranged from 18-64. However, 67.9 percent of the participants fell within the 18-24 age range, 24.8 percent were in the 25-35 age range, and less than 10 percent were over 35. The median age was 22. The gender demographic of the study more closely approximated that of the CSUSB gender demographic (Study: 61.7 percent female, 38.3 percent male; CSUSB: 64 percent female, 36 percent male).

### Interviews

A focused interview procedure was used in which 14 AFRO American participants were asked to provide quantitative demographic information (gender, age, and in the case of the inmates, number of incarcerations, education, etc.). The six non-incarcerated participants were administered a series of eight qualitative open-ended questions devised to determine the participant's

involvement with the criminal justice system, and other relevant information that may have contributed to the overrepresentation of AFRO Americans in the prison system. The collective age of the 14 participants ranged from 18-64, with a median and mean age of 39.

The interviews with the eight incarcerated participants were the result of a letter the researcher wrote to an incarcerated nephew in which she sought his input on the criminalization of AFRO Americans. The researcher enclosed 10 first draft questions as possible interview material for his opinion. Without further communication, the incarcerated nephew interviewed seven fellow inmates and enclosed his and their responses to the first draft questions in his next letter. The ages of the inmates he interviewed ranged from 29-56 years, with a median of 39. Because of their "vulnerable" status as incarcerated participants, they have been given pseudonyms.

The non-imprisoned participants posed less of a problem due to their non-vulnerability (The researcher had received IRB approval for the questions and their participation). However, due to the personal nature of some of the questions, they were advised that their

participation was strictly voluntary and that their anonymity would be respected. Their age ranged from 18-64, with a median of 44.5; there were four female and two male participants. The participants were provided with ample paper and informed that they could reply to the questionnaire at their leisure and convenience.

#### Data Collection, Problems and Issues

The researcher analyzed survey data from a diverse demographic of student participants to determine variances in their perceptions on the issues posed. In order to facilitate analysis of the data, the researcher utilized bivariate statistics, Pearson correlation and the Likert scale method. The researcher assigned a 1-5 Likert scale for statements 2-9 (1= strongly agree, 2= agree, 3= neutral, 4= disagree, 5= strongly disagree). However, statement 1 was assigned a 1-4 Likert scale in which there was no neutral category (1= strongly agree, 2= agree, 3= disagree, 4= strongly disagree). In order to determine the impact that the race/ethnicity of the participants had in their response to the 9 statements posed in the survey, a 1-5 nominal system was utilized to denote their race/ethnicity (1= AFRO Americans; 2= White; 3= Asian, including participants who indicated India; 4=

Hispanic/Latino; 5= Other <sup>14</sup>). When the data did not yield a statistical significance from survey participants on key issues, the researcher also examined percentage ratios as a means of comparison.

The researcher considered dropping the "Other" category for analysis because some of the participants' responses to the "Race" demographic request was not indicated, ambiguous or argumentative (e.g., multi-racial, "human," "what difference does it make"). A possible explanation for blank or defensive responses from the participants may have been due to their reaction to Dr. Fenelon's lectures, in which many White students are told for the first time that the benefits they receive from white privilege are the result of racist systems that have adversely affected minorities. Consequently, many of the White participants who were drawn from the Race and Racism classes (SSCI 316) may have reacted adversely to the survey because they thought that they would be depicted in an unfavorable light (personal communication Dr. Fenelon, November, 2009). The defensive and ambiguous nature for some of the

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14 Respondents who indicated they were from the Middle East and those who did not indicate race were assigned the "Other" category.

participants' replies created a problematic analysis for the researcher (e.g., several participants circled agree and neutral for the same statement).

Many of the issues confronted by the researcher may have been due to the limitations of utilizing a convenience sample (Berg, 2004). Because the majority of the participants were drawn from Dr. Fenelon's Race and Racism courses, there may have been a "social desirability" factor in which many of the White participants may have wanted to be "politically correct" (Weinstein, & Beckhouse, 1969). Conversely, other participants may have been defensive of their white privilege as indicated by their omitting the "race" category and/or checking "neutral" instead of agree or disagree (as in the case of one White participant who erased agree and circled neutral on the statement, "Black males are more likely to commit crimes than White males").

Another intriguing aspect that the study addressed is the confusion attached to the nomenclature for the descendants of American slaves. The ambiguity of identification markers for Black Americans was exemplified on question 9 of the 2010 US Census (n.a.,

United States Census, 2010, Appendix E). Although each race/ethnicity had a specific delineation (e.g., White, Asian, Indian, etc.), there were 3 possibilities for AFRO Americans: Black, African Am., or Negro. I, as well as other AFRO Americans found the "multiple choice" racial category disconcerting.<sup>15</sup> Therefore, due to the perplexing racial categorizations for Black, African American, Negro, Colored people, the researcher wanted to discern how other AFRO Americans self-identify in the work. Thus, question 1 was posed to the six non-incarcerated AFRO Americans (See Appendix C).

Many of the questions posed for the interviews with the non-imprisoned AFRO Americans and the 306 student participants in the survey were themes derived from lectures and tests given by Dr. Fenelon in the Race and Racism course (SSCI 316). Because the majority of the participants were drawn from the Race and Racism course, many of the nine survey questions were posed in a manner to determine if the race/ethnicity of the student

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15 When I was a child we were called Negro and colored. I preferred colored, because it seemed more inclusive to me. Then, in the late 1960's, the term Black became prevalent, which I did not like because of its negative implications and because I am brown. The more recent African American is even less desirable to me since President Obama

participants would be a salient factor in their response to the questionnaire. Some of the interview questions also reflected Dr. Fenelon's lectures; however, their main purpose was to determine if other AFRO Americans had similar experiences, perceptions and concerns as those of the researcher (i.e., fear of the Black male, trepidation for the future of the Black community).

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is a true African American as the son of an African immigrant and a White American mother.

## CHAPTER FOUR

### FINDINGS

#### Part One: Survey and Interview Results

##### Survey

The initial intent of the survey was to provide a study of racial attitudes in the age of "colorblindness" at a California State University (Alexander, 2010; Bonill-Silva, 2003). The questionnaire requested general demographic information from the participants, such as their age, gender and race. Because the intent of the study was to determine if the participants' race/ethnicity would impact their response to the issues presented in the survey, age and gender demographics were given a cursory analysis (See Appendix A).

In order to facilitate analysis, a collapsed format was utilized in which agree and strongly agree were replaced with agree/strongly agree. The same procedure was used for disagree and strongly disagree (disagree/strongly disagree). As a method to determine if there would be a racial component in the participants' response, the researcher omitted the "Other" category and assigned bi-racial participants to AFRO American unless

otherwise specified. Additionally, persons from India, Pakistan, and the Middle East were ascribed to the Asian category; however, participants who wrote "Human" or left the category blank were not included for racial classification. Moreover, for purposes of analysis, ethnic variables were recoded in which the number 1 was assigned to the ethnic group of focus and 0 to all other racial groups (e.g., AFRO American were assigned 1, whereas, White, Asian and Hispanic were assigned 0). The procedure was repeated for each ethnic group.

The data revealed some expected and some surprising results. For example, statements 1 and 2 (1. I have been harassed by police because of my race; 2. I feel like there is extra surveillance on me when I go shopping), wrought an expected diametrical bias (perfect inverse relationship) between White and minority participants (AFRO American and Hispanics). Due to the legalized practice of racial profiling and over-policing of their communities (Alexander, 2010), AFRO American and Hispanic participants concurred with statements 1 and 2 that pertained to police harassment and extra surveillance (See Appendix A), and therefore, their statistically significant response indicated that they were more likely

to agree with the statements than White or Asian participants (See the subsequent Tables 1-8).<sup>16</sup>

Table 1. AFRO American: I have been harassed by the police...

I have been harassed by the police because of my race.		African American		Total
		Other	African-American	
Strongly Agree	Number	12	13	25
	Percent	4.9%	21.7%	8.2%
Agree	Number	34	9	43
	Percent	13.9%	15.0%	14.1%
Disagree	Number	75	19	94
	Percent	30.7%	31.7%	30.9%
Strongly Disagree	Number	123	19	142
	Percent	50.4%	31.7%	46.7%
Total	Number	244	60	304
	Percent	100.0%	100.0%	100.0%

$$\chi^2 = 20.101, df=3, p < .000$$

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16 The Chi-square shows that there is an association between variables that is statistically significant if "p" is .05 or less (p<.05).

Table 2. White: I have been harassed by the police..

I have been harassed by the police because of my race.		White		Total
		Other	White	
Strongly Agree	Number	24	1	25
	Percent	12.1%	1.0%	8.2%
Agree	Number	39	4	43
	Percent	19.6%	3.8%	14.1%
Disagree	Number	59	35	94
	Percent	29.6%	33.3%	30.9%
Strongly Disagree	Number	77	65	142
	Percent	38.7%	61.9%	46.7%
Total	Number	199	105	304
	Percent	100.0%	100.0%	100.0%

$$\chi^2 = 30.655, df=3, p < .000$$

Table 3. Asian: I have been harassed by the police..

I have been harassed by the police because of my race.		Asian		Total
		Other	Asian	
Strongly Agree	Number	24	1	25
	Percent	9.0%	2.8%	8.2%
Agree	Number	38	5	43
	Percent	14.2%	13.9%	14.1%
Disagree	Number	81	13	94
	Percent	30.2%	36.1%	30.9%
Strongly Disagree	Number	125	17	142
	Percent	46.6%	47.2%	46.7%
Total	Number	268	36	304
	Percent	100.0%	100.0%	100.0%

$$\chi^2 = 1.833, df=3, p < .608$$

Table 4. Hispanic: I have been harassed by the police...

I have been harassed by the police because of my race.		Hispanic		Total
		Other	Hispanic	
Strongly Agree	Number	17	8	25
	Percent	7.6%	10.1%	8.2%
Agree	Number	23	20	43
	Percent	10.2%	25.3%	14.1%
Disagree	Number	73	21	94
	Percent	32.4%	26.6%	30.9%
Strongly Disagree	Number	112	30	142
	Percent	49.8%	38.0%	46.7%
Total	Number	225	79	304
	Percent	100.0%	100.0%	100.0%

$$\chi^2 = 12.282, df=3, p < .006$$

Table 5. AFRO American: I feel like there is extra surveillance on me...

I feel like there is extra surveillance on me when I go shopping.		African American		Total
		Other	African-American	
Strongly Agree	Number	39	32	71
	Percent	15.9%	53.3%	23.2%
Agree	Number	49	14	63
	Percent	19.9%	23.3%	20.6%
Disagree	Number	158	14	172
	Percent	64.2%	23.3%	56.2%
Total	Number	246	60	306
	Percent	100.0%	100.0%	100.0%

$\chi^2 = 43.827, df=2, p < .000$

Table 6. White: I feel like there is extra surveillance on me...

I feel like there is extra surveillance on me when I go shopping.		White		Total
		Other	White	
Strongly Agree	Number	67	4	71
	Percent	33.3%	3.8%	23.2%
Agree	Number	48	15	63
	Percent	23.9%	14.3%	20.6%
Disagree	Number	86	86	172
	Percent	42.8%	81.9%	56.2%
Total	Number	201	105	306
	Percent	100.0%	100.0%	100.0%

$$X^2 = 47.771, df=2, p < .00$$

Table 7. Asian: I feel like there is extra surveillance on me...

I feel like there is extra surveillance on me when I go shopping.		Asian		Total
		Other	Asian	
Strongly Agree	Number	65	6	71
	Percent	24.1%	16.7%	23.2%
Agree	Number	58	5	63
	Percent	21.5%	13.9%	20.6%
Disagree	Number	147	25	172
	Percent	54.4%	69.4%	56.2%
Total	Number	270	36	306
	Percent	100.0%	100.0%	100.0%

$$X^2 = 2.912, df=2, p < .233$$

Table 8. Hispanics: I feel like there is extra surveillance on me...

I feel like there is extra surveillance on me when I go shopping.		Hispanic		Total
		Other	Hispanic	
Strongly Agree	Number	49	22	71
	Percent	21.8%	27.2%	23.2%
Agree	Number	40	23	63
	Percent	17.8%	28.4%	20.6%
Disagree	Number	136	36	172
	Percent	60.4%	44.4%	56.2%
Total	Number	225	81	306
	Percent	100.0%	100.0%	100.0%

$$X^2 = 6.717, df = 2, p < .035$$

Statement 3, "it's easier if you're White in America," only AFRO American ( $p < .032$ ) and White ( $p < .000$ ) respondents produced a statistical significance in relation to all other respondents (Hispanics,  $p < .308$ ; Asians,  $p < .319$ ). Statement 4, "I cringe when someone of my race commits a crime," also generated a statistical significance that revealed a Black/White divergent relationship in which AFRO Americans substantially agreed with the statement in comparison to all other groups ( $p < .000$ ), whereas, White participants disagreed with the

statement in comparison with all other groups ( $p < .003$ ). However, Asian and Hispanic participants' response to the statement did not produce a statistical relationship.

In order to determine the participant's perception of the Black male as a threat, statements 5-8 were developed. Although none of the statements produced a statistical association from all groups, statement 5, "Black males seem more of a threat to me than White males," produced a statistical significance in concurrence from Asians in relation to all other respondents ( $p < .002$ ). Conversely, AFRO Americans generated a directional statistical relationship to all other groups in opposition to the statement ( $p < .061$ ). However, White and Hispanic participants did not generate a statistical relationship to the statement.

To survey statement 6, "They should lock Black lawbreakers away for as long as possible," although all ethnic groups disagreed with the statement, there was not a statistical significance generated from White and Hispanic participants. The response from AFRO Americans produced a negative statistical significant in relation to all other participants in their disagreement with the statement. Asian participants also engendered a negative

statistical significance in relation to all other groups in their disagreement with the statement (Asians=  $p < .001$ ; AFRO American=  $p < .018$ ).

Statement 7, "Black males are more likely to commit crimes than White males," did not engender a statistical significance from Asians. However, AFRO Americans, Hispanic, and White respondents did engender a statistical significance in their objection to the statement (Hispanic =  $p < .048$ ; White =  $p < .061$ ; AFRO American =  $p < .085$ ). Although statement 8, "Groups of young Black men frighten me," yielded no statistical significance in either agreement or disagreement from AFRO American, White, or Hispanic participants, Asians produced a strong statistical significance in relation to all other groups by disagreeing with the statement (Asians =  $p < .029$ ). Statement 9, "The media contributes to the conception that Black males are criminals," wrought mixed results. Although there was no statistical significance from Hispanic and Asian participants, White and Black participants did generate a statistical significance in their agreement with the statement (White,  $p < .003$ ; AFRO Americans,  $p < .021$ ).

The study did not yield statistical significance by either age or gender. However, the statement that pertained to police harassment (Statement 1) did provide a gender statistical significance due the gender variance among participants. Because the majority of participants in the survey were female, they strongly disagreed with the statement and thereby engendered a statistical significance in relation to the male participants (Female,  $x^2 = 22.005$ ,  $df = 4$ ,  $p = .000$ ).

#### Interviews with AFRO Americans

##### Identity

When the question was posed, "Which of the following do you prefer to be identified by and why (Black, AFRO American, African American, person of color)?" four of the six respondents preferred Black rather than AFRO or African American, this preference was best explained by 62 year old mixed race Shirley who stated:

I have begun to accept Black, or African American, but I think "person of color" is a joke because like a lot of Black people in the US, my family is very, very mixed. Mother was German Jew, and father was

English, Indian and a little Black, so it has always been a little bit crazy as to what to put down. Of course, the US has always said if you are a person of color, you are Negro, or Mexican, or whatever, and than Black came into the picture. And Afro American, I can understand that, but I lived in Africa, and they do not accept us, we are not African Americans.<sup>17</sup>

Similarly, 32-year-old Sonia also preferred to be identified as Black because she has no "connection to Africa." The two other participants who preferred Black as their identity markers gave "Black pride" as their reasons for the preference. Andrew, the oldest participant (age 64) recalled that we were labeled colored, and Negro, until the Black power movement made "being called a Black American...something to be proud of."

### Police Encounters

When posed the question, "Have you ever had a bad experience with law enforcement?" four of the six responded in the affirmative. Andrew (age 64) attributed his encounter with law enforcement as a case of Driving

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<sup>17</sup> Personal interviews with Shirley, Sonia, Andrew and Andre were

While Black (DWB) in which a police officer "accused [him] of running a 4 way stop sign;" he fought the validity of the citation and won the case in court when "the judge threw it out because the officer didn't show up..." Eighteen year old Andre explained that because of tardiness to school, he was taken into custody for ditching with four other students. Andre was more annoyed at their treatment by the police than he was by being taken into custody when he stated, "I'm sure the police were trying to do their job, but they were very rude about it."

#### Perception of Racial Subordination

When participants were asked to reflect on the statement, "It's hard if you're Black in America," five of the six respondents replied that life is harder for Black folk in America. Sonia, a 32-year-old employee of San Bernardino County Human Services cryptically replied, "Undoubtedly!" Sonia further confided that due to the erroneous "war on drugs," she is forced to deny assistance to people who have felony records for non-violent crimes such as marijuana possession, but the

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conduconducted during the Summer and Fall of 2008.

inequitable system grants assistance to violent offenders of murder and rape. Andre (age 18) acknowledged that times are harder for everybody; however, "It is more difficult if you are an African American in America due to the media's degradations and excessively negative stereotypes. [Therefore] it is harder to find a decent job and even harder to keep it."

Only mixed race Shirley disagreed with the posed statement, "Life would be easier if I were White." Although the other five participants were cognizant of the fact that if they were members of the White dominant group life would be easier, several emphasized that they would not change their race if they could. Andrew (age 64) and Carmen (age 56) provided explanations why life is harder for them as AFRO Americans. Carmen<sup>18</sup> asserted that as a minority, AFRO Americans encounter obstacles that members of the White dominant group do not. Andrew reflected that because he is Black, he is excluded from the advantages and privileges of the "good ol' boys club," and therefore, it would be easier if he were

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18 A personal interview with Carmen was conducted in August 2008.

White. Andre, the youngest participant best expressed why he and other AFRO Americans would not change their race if they could. Andre explicated:

Maybe life would be easier for some people if they were White. Some people think that, but as for me, I would never wish to change my ethnicity for an "easy" life. Obstacles build personality. If I hadn't gone thru my trials in life, whether race related or not, I [would] not be the same person I am today...I am a young Black man, but I am going to be something in life because I am determined.

#### Negative Perceptions of Blackness

The statement, "Young Black males are seen as a threat to most White Americans," wrought emphatic responses from all participants. Sonia remarked that it is "relatively true" that young Black males are seen as a threat to most White Americans. Senior citizen Andrew observed the reality of crime (White on White and Black on Black crime vs. Black on White), and explained that Black males are more of a threat to other Black males than to White Americans. Carmen expressed her concurrence with the statement when she elucidated, "Black males are a threat to any race when there [are]

more than 3... [and therefore] I would not want to confront this group at night [because] no other race causes me fear." Robin<sup>19</sup> explained that the media projects negative images of Black men that promote the perception that Black males are a threat because of the "profit motive."

The negative impact that young Black men are perceived as a threat to many White Americans has been internalized by sixty-two year old mixed race Shirley who communicated that the media "fuels the fire and makes most people who are White turn around and say, oh not again, and some of those people are saying, well it figures." Shirley has been stigmatized to the extent that when she hears a crime has been committed, she implores to a higher power, "Oh please don't let it be a Black man." Because eighteen year old Andre is directly affected by negative perceptions of young Black men, he was incensed by the question/statement. In his umbrage at being thrown into a "stereotypical category," Andre argued that it is a slanderous notion that "we [he and other young Black males] are going around preying on these poor white folk..."

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19 Personal interview with Robin was conducted in the Spring of 2008.

When the question was posed, "Describe your reply to the statement: Most White people think Black people are criminals, due to the media and politicians like Bush Sr. (Willie Horton)," The question/statement was received as an affront to Andre (age 18) who responded with disdain that the media, Bush Sr., and other politicians spread hate propaganda to the extent that most White Americans think that a whole people are criminals, especially given the fact that "Whites...commit the most heinous and unbelievable crimes ranging from incest to cannibalism." Mixed race Shirley related, "I don't think people perceive me as a criminal, but I do think that there is a good deal of the White population that thinks Black people are criminals or prone to crime." Carmen concurred that it "could be a true statement" because of the "odds against us" as a minority group, and the economic limitations that contribute to the criminalization of Black Americans who can't afford good lawyers.

Mature beyond his eighteen years, Andre's contribution to the statement posed, "It seems like the door of opportunity is closing for AFRO Americans, but not prison doors," yielded an insightful explanation.

Andre noted that it is "sad but true [that] the only place a Black man can go in life is to prison or to the grave." Therefore, he is determined to make something of himself, and feels both proud and ashamed when people tell him "it's rare to see a young black male...on the right path." 64-year-old Andrew equated the loss of "opportunity" to the inequity of sentencing between White and Black Americans, and argued that the justice system is "not fair" because "too many young black Americans" are sent to prison "compared to young whites [who commit] the same crimes." As a former high office holder in a corporation, Carmen explained that corporate America will hire a "bi-lingual or alien before they will hire a black male out of community college," and added, "if you don't work, you will steal."

To the final question/statement posed, "How would you respond to the statement: The media has even made me afraid of young Black males;" mixed race Shirley admitted, "in certain circumstances I have been a little uneasy around a few young Black males;" however, she doesn't attribute her angst to the media, but her own prejudicial perceptions from being raised in White neighborhoods and Europe. Carmen concurred that the

media has engendered her fear of the Black male via negative rather than positive reports and provided the following example: "We do not hear [what] Magic Johnson does for the community. We hear about his bout with aides." Eighteen year old Andre argued that the media fueled perception that young Black men are a threat is "ignorant and closed minded." Nevertheless, he recounted a memory of a night when he was walking in a parking lot, and "heard the click of someone locking their door as [he] approached them... [he added that he] laughed at that White woman's foolishness."

## Reflections of Black Prison Inmates<sup>20</sup>

### Introduction

Ten questions were posed to eight Black inmates incarcerated in the California Men's Colony (CMC) near San Luis Obispo (See Appendix C). Questions, 1, 2 and 5 were themed to elicit the inmate's perceptions of the justice system (e.g., if the inmates' thought that their race was a key component in their arrests). Question 3 sought to determine the impact that lawyers had in the inmates' incarceration (e.g., if their attorney had helped or hurt

the outcome of the case). Question 4 was posed in order to determine if the inmates had exercised their right to a trial by jury, and the diversity of the jury.

Questions 6-10 were themed to obtain the inmates plans to avoid recidivism.

Information was requested on the inmates present and past incarcerations. The crimes they listed varied from petty theft to assault with a deadly weapon. Although two inmates responded that they had committed burglary (they were the least educated), the High School drop-out reported a more violent arrest record that included armed robbery. The eldest (age 56) inmate spent the majority of his life behind bars (14 incarcerations), and listed his crimes as: "grand theft, burglary, possession, petty theft with a prior, etc." A younger inmate (age 30) also spent the majority of his life behind bars and stated that he has been imprisoned "every year since 1990 for assaults, robberies, and possession of Cocaine for sales." Although only two inmates listed drug related charges (possession for sales), drug use may have been a

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20 Personal interviews with the inmates were conducted by my neighew and submitted to me in January 2008.

causal factor for some of their arrests (See responses to questions 7 and 9).

### Inmate Demographics

The inmates' ages ranged from 29-56, with a median age of 39.9 and a mode of 39. Seven of the eight prisoners responded that they had graduated High School (one had a GED). Only one inmate responded that he dropped out of school in the 11<sup>th</sup> grade, and had not learned a trade while in prison. One inmate had acquired a trade and one year of college while incarcerated. Two inmates had two years of college (one had also learned a trade in marketing).

### Impact of Race on Black Incarceration

There was a variance in replies from the inmates to the question, "Do you think Blacks are criminalized?" Three of the eight inmates' responded cryptically, "No" (including the oldest inmate who had spent the majority of his life behind bars). However, five inmates qualified their responses to the question. L.O. (age 30) replied, "Yes and no. I think it depends on the age of the person, and how [they are] dress, and what part of the community they are in." A.J. (age 39) explained, "I believe blacks are criminalized when in here. The police

are quick to harass Blacks and other races of color before they do whites."

When the inmates were asked if they thought their race was an issue in their arrests (Question 2), only two of the eight inmates responded "Yes." Thirty-nine year old A.J. reasoned:

Yes, I think my skin color played a big role in my arrest and incarceration. I was even denied a line up. The police and DA said that there is no need for one. I was picked out of a picture line up, but there was no proof even if there was a picture line up.

Among those who did not think that their race was a significant issue in their arrests, two of the inmates' replies to the question may have indicated that their race was a factor in their arrest and/or sentencing. T.A. (age 44) provided an excellent response when he explained, "As to the committal of said crime(s) no but in the disposition of time for crime yes." Thirty year old L.O. candidly confided, "No, the police know me and know I stay breaking the law so they stay harassing me until I finally slip up and they catch me."

## The Judicative Process

The inmates were asked if they had a court appointed attorney, and if they thought their attorney had helped or hurt their case. Only two of the eight inmates replied that their lawyers had helped their case. The majority of the inmates indicated that their lawyers had "hurt" their case. Inmates who thought their lawyers had hurt their case were not timid in expressing their angst. Some of their comments were: "He acted more like the DA than my attorney"; "He didn't even try to pretend to help me get out"; "I had a court appointed one and she didn't do nothing I couldn't have done for myself."

Only one of the eight inmates had a trial by jury (Question 4). However, he reported that it was a diverse jury that included three AFRO Americans. The remaining seven inmates "took the deal." Inmate A.J. explained the reasons he did not exercise his right to a trial by jury:

I had no jury. My back was against the wall. I had no witnesses on my behalf. So it was my word against the police report, and who do you think the court is going to believe? So I took the deal for 10 years, at 80 percent to serve on my sentence.

To the question "Do you think you were treated fairly by the justice system," only first time offender R.S. (age 29) responded in the affirmative (yes). However, those who had more experience with the system indicated that they had not received equitable treatment from the criminal justice system. Forty-four year old T.A. explicated, "Definitely no, because my constitutional rights to due process were jeopardized from me being shackled in front of the jury which was ruled on appeal as a harmless error." Another inmate replied, "No! I feel that blacks get much longer sentences for the same crime that are committed by whites." Inmate T.V. (age 45) declared, "No! I think the justice system is very impartial and almost always shows favoritism to whites, if you're black, you'd better have money to get out/or win your case.

### I Ain't Coming Back

Most of the inmates had participated in programs designed to avoid recidivism. The classes they had taken included college courses, vocational training, Alcoholics Anonymous (AA), the Substance Abuse Program (SAP), and behavioral modification. However, four of the inmates replied that they were not involved in a program due to

the following: "The ones I want they don't have"; "I've done already every class just about that they have (L.O., age 30, incarcerated since 1990)"; T.A. (age 44) provided a clarification on the issue when he declared, "I have attended useless vocations that I would not be interested in pursuing once released. The knowledge is appreciated. [However,] I believe our mental and emotional (spiritual) mechanisms need to be addressed."

Inmates were asked to reflect on what they must change within themselves to stay out of prison. Their reflections were: "I have to work on my patience and anger (A.J., age 39)"; "I have to change my way of thinking. And need to go to work (B.C., age 39)"; "I will have to stay more motivated, stay in church, and keep a positive attitude, and outlook on life (R.S., age 29)"; "Leave drugs alone, as well as get help for my drug addiction. And stay away from criminal activity (P.A., age 56)." T.A. (age 44) elucidated, "I've grown into the knowledge that in order to stay free of prison I must become free from the shackles of alcohol, drugs, reckless living, [and] self-centeredness to name a few." The most informative response was expressed by 30 year old L.O. who explained:

I had the fortunate but unfortunate chance this time in prison to be in a cell with my father. And being with him and getting to know him, helps me find my own identity. It starts with identity, once you're sure of who you are and where you want to go in life, this change of mind frame brings about a change in behavior and character. I think we have to change or find our identity.

When asked if they thought the system made it hard to "survive," although two replied "no," the definitive theme among respondents was "yes." Some of their responses were: "Hell yeah! The system was made to keep a foot on our neck as black people (A.J.)"; "Yes! Once you have a criminal history it's hard to revert back into, or adjust back into main stream society (P.A., age 56)"; "Yes! The system offers very little help and options to succeed in stay out of jails and institution (R.V., age 37)"; "Yes! Why of course. I believe the way the system is now, it is made to make me keep coming back to prison (T.V., age 45)"; "This system is flawed and majorly corrupt. It is a business true and through. The constitution states plainly = [against] Legalized slavery (T.A., age 44)."

When the question was posed, "Do you have a plan to stay out of prison?" all of the inmates responded in the affirmative. Thirty year old L.O. and T.A. (age 44) best expressed the reflecting theme. L.O. stated, "Most definitely. I was caught up in gang life which is everything in the streets, fast money and women. I learned two things you're going to do either free or in prison, is work and obey the rules." Forty four year old T.A. responded with the following explanation:

Yes I do. Job first no matter how many doors close. I will disclose my record honestly. No more chemical usage. Don't need it. It used to be cool for me now it's a downfall. So much to make up for to family. I choose to be confident as opposed to flamboyant.

With one exception (56 year old P.A.), all of the inmates responded that they had a support system when they were released. One inmate wrote, "Family has always been there even in anger or resentment. They love me and only want the best for me." Another replied, "I have a good support system and moral support system through immediate family and church family."

The inmates were asked if they had further input. Although only two of the eight responded, they were the inmates who had accumulated the most education and/or vocational training during their time in prison. Thus, their replies yielded an insightful understanding of the issues that confront Black prisoners. Thirty-seven year old R.V. explained:

I think what happens to most people that comes and goes in prison is that it becomes a pattern that they become accustomed to. It was my insecurities that were my weakness. I am now very confident in those areas where I was once weak.

Forty-five year old T.V. was the other inmate who contributed a "final thought." T.V. explained his perception of the injustice of the system when he stated, "There are a whole lot of injustices that goes on when we are given our sentences, i.e., restitutions, finances, [and] everything is extreme and harsh.

## Part Two: Personal Narrative of Arrests

### First Arrest

From my earliest childhood, I became cognizant of race and class distinctions growing up as a poor colored girl in a white world. Nevertheless, I believed the precept of "justice for all" when I pledged my allegiance to the United States of America. However, my delusion of equal justice was shattered when I became a victim of my husband's white privilege (McIntosh, 1988; Jensen, 2005; Rothenberg, 2007).

I entered into an exogamous marriage to a member of the White dominant group in 1963. Then, after fifteen years of marriage, my husband informed me that he wanted to "move on." After conferring with our two eldest daughters (ages 13 and 15), it was decided that I should leave the home so that our daughters could maintain their lifestyle.<sup>21</sup> Thus, I left the home with a few clothes, blankets, a pillow, one of the family cars, and became homeless. I found refuge in Bolinas, a small town on the

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<sup>21</sup> Moving out of the home would be a deprivation for me because I had been hospitalized with post-natal depression after the birth of our fourth daughter and had not worked outside the home.

Marin County coastline. Most of the residents were "hippies," and I was tolerated as the town's "token" Black.<sup>22</sup> Separation from my children was more problematic than my homeless condition. With no income, I had no money for gas, so I visited my children whenever I could. My husband encouraged my visits because they provided him with a maid, cook, babysitter, and time to visit his White girlfriend.

On my 34th birthday, my husband presented me with divorce papers along with a birthday cake. Because I was a Catholic, I protested the necessity of a divorce. Forthwith, he called me a "nigger." I had never heard him use that derogatory terminology before. His use of the "N" word when his authority was questioned exemplified the salience of racism as a power issue.<sup>23</sup>

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22 A possible explanation for the discourse between the prosecutor and judge may be that they were embarrassed by the racist issues involved in the case (Feagin, 2000). White Americans who deny the existence of racist systems and the benefits they derive from them are practicing a form of "self-deception" that harms "the souls of white Americans" (Feagin, 2000, p. 197).

23 The power to control and manipulate others has such a narcotic effect on an individual that when there are social systems/structures in place such as racism, people will utilize those racist systems/structures in order to maintain their dominance and control (McIntosh, 1988; Feagin, 2002).

As the day for our divorce proceedings approached, I begged for money in order to drive the forty-five miles to our home in a small town in Sonoma County. Because my children looked like their father their presence in the all White town of Forestville was accepted; however, I was perceived as "other." When I arrived at the home, only three of my four children were there.

I was playing with my youngest daughter and waiting for the fourth to come home from school when my husband walked in. Although my greeting was cordial, he seemed annoyed at my presence and told me to "get out." Startled by his behavior, I tried to placate him. I stated that I wanted to stay and care for the children until our court date on Friday. He told me that I did not need to show up for court because he and his lawyer would "take care of everything." Although I had a dominated wife's trust in him (to the extent that I did not have a lawyer), I knew that my appearance in court was not optional. When I insisted that I had to appear in court, he lashed out at me with verbal and physical abuse. Although he had abused me verbally in the past, physical attacks had been less prevalent, and I became afraid for my life when he tried to strangle me.

A call was made to 911 by our eldest daughter. Upon the sheriffs' arrival, my business attired husband spoke to them. Subsequently, the sheriffs instructed me to leave. Although I explained to the sheriffs that I had been attacked by my husband, they ignored my complaint, and reiterated that I had to leave. I explicated that the home was in both our names and would not be adjudicated until Friday (it was Wednesday). I added that there were no restraining orders against my remaining in the home. Although I felt I had stated my position with clarity, the sheriffs told me that if I did not leave they would force me to leave.

What other choice did I have but to capitulate? I kissed my babies goodbye, collected my few belongings, and drove my car to an empty property over 100 feet away where I planned to wait for my 13 year old daughter to come home from school. Since I was no longer on our property, I felt assured that I had complied with the dictates of the sheriffs. However, the sheriffs still insisted that I leave. I pleaded with a mother's tears that I would not go near the house and would leave as soon as I had seen my daughter. Unmoved, the sheriffs looked at my husband and said, "Do you want to make a

"citizen's arrest?" He shook his head, smiled and replied, "Yes."

Forthwith, I was pulled out of my vehicle, had my hands thrust behind my back, and handcuffed so tightly that I was reminded of the "Indian burns" bullies use to give me in school. As I was shoved in the back of the patrol car, I saw my husband smile as he removed the keys to my car. Although my husband had abused me and committed a car theft in front of the sheriffs (the Monte Carlo was the only community property I had claimed from the marriage in order to have a place to sleep), it was I who was arrested. As I was transported to the county jail, I became acutely aware that my African ancestry was a salient factor in my arrest.<sup>24</sup>

I was released the following day by a White judge who dismissed the case. However, the experience was a "turning point" in my life, because my naiveté and trust

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24 Brokett (2000) explained that the police were established to protect the power elite and those in authority through social controls and laws. Because Black Americans are not considered citizens with authority, societal controls and laws, subject them to "a constant state of punishment." Furthermore, within this "state of punishment lies the concept of incarceration...defined as a general understanding or thought that is derived from particular instances or occurrences" (pp. 109-111). Thus, as a consequence of social norms and societal control systems, my White husband was respected by the sheriffs as a person with authority, whereas I, an AFRO American, was considered to be guilty. Thus, the sheriffs performed their office as a social control mechanism, and for the first time in my life I was arrested.

that I was an American with the same rights as any other had been decimated. Disheartened, I sought the services of a divorce lawyer.

### Second Arrest

In December 1990, I rented a room in a \$250,000 home in Oceanside, California. Due to previous issues with multiple roommates, the White male property owner assured me that I would be the only person to whom he would rent a room. However, in January, he rented the downstairs bedroom to a young White couple (I will refer to them as Dawn and "Big John"). I did not feel comfortable with them in the house because Dawn was in a constant state of irritation.

The following month the owner needed to rent another room in order to pay his mortgage. He rented the room adjacent to mine (I had to share my bathroom). The new roommate was a young White female the owner knew "intimately." Crystal did not have a job, go to school, or have any visible means of support; yet, she managed to stay high on crystal methadone. Her state of drugged irrationality exacerbated Dawn's petulance, and changed the dynamic of the home's environment (Before Crystal's arrival, the acrimony/hostility had been nominal).

My presence in the home must have generated a disturbing element for my White roommates who earned minimum wage and ate hot dogs and beans when I had steak (although I cooked meals for everyone several times a month). They may have perceived my attendance at college and work in the community in a negative manner. Consequently, they acted out in erratic ways by "yelling at me" for trivial matters (e.g., getting ice cubes for my water when they were on the kitchen phone, leaving the garage door open, etc.).

Feagin (2000) provided an explanation for the aggravated state of the home's environment by stating, "While there are class and other social divisions among whites, when faced with a serious challenge from people of color, whites would join ranks despite internal rifts, Race is key, not class (p. 179)." Thus, my roommates' behavior conformed to the preceding analysis in which they "joined ranks" in order to dominate me in the home that we shared on an ostensibly equal status.

In order to reduce my sense of alienation in the home, I invited three White friends from school to dinner. My expectation for the evening was that my guests would demonstrate that regardless of one's race, there

are modes of behavior to which everyone should adhere. However, the reaction that I and my guest received from my three roommates was completely unexpected. My roommates were hostile and overtly racist to the extent that my guests were concerned for my well-being and pleaded with me to go home with them. Although my roommates had behaved in an irrational and outrageous manner throughout the evening, I did not believe any harm would come to me, and assured my guests that I would be fine.

After my guests had departed, I was loading the dishwasher when Big John entered the kitchen, turned off the light, and bellowed, "Nigger, what right do you have to bring anyone here without asking our permission." I turned the light on and continued loading the dishwasher in an effort to ignore him. He turned the light off and this behavior continued until I reached the limit of my patience and vociferated, "You're the one who's behaving like a 'nigger,' why don't you go and 'f#@&' your 'PMS'y wife." As if on cue, Dawn ran into the kitchen half naked and yelled, "Nigger, what did you say to my husband, I'm going to wash your mouth out with soap." She grabbed the dish soap and squirted it into my eyes.

Blinded by the soap, I swung at her with the mug I was trying to load into the dishwasher in order to avoid further injury (Dawn was 11 inches taller, half my age, and had at least fifty pounds on me). I heard Crystal yell, "Kick her ass Dawn."

After what seemed like hours, I was able to disengage Dawn who had knocked me to the floor, by biting her. I ran to the phone to dial 911, but Big John grabbed the phone out of my hands. Frightened that he would attack me as well, I ran out of the house to seek help and knocked on several neighbors' doors before I received a response from the police officer who lived across the street (Officer Neighbors). I explained the incident to him while he helped me remove the soap from my eyes. When officer Neighbors went to the residence to assess the situation, Big John told him he had no authority without a uniform (They had previous conflictual encounters).

Perturbed, officer Neighbor informed me that the police had been called, ushered me out of his house, and told me to wait outside for the police to arrive. Dressed in a thin lounging gown, I did not feel the rain or cold as I waited in the middle of the street. When

help finally arrived, the officer told me that I was under arrest. Shock replaced hope, and I beseeched the arresting officer to obtain my purse and lock my bedroom door (Everything I owned was in my room). Stunned and bewildered, I was barely aware of being taken to the Oceanside jail, booked and placed alone in a cell.

The following day I was transported to the County jail in San Diego. While in the holding cell, I met women from diverse backgrounds. One was a professional thief who told me that she made her "living off women like me." I learned from many of the women that being arrested was the "cost" of their career choice.

I was later taken from the holding cell; told to put on a blue jumpsuit; had chains placed on my hands and feet; given two sheets, a blanket, a washrag, a towel, a comb, a small bar of soap, a toothbrush, toothpaste, and a number that reminded me of the loss of identity my ancestors must have experienced as slaves and the problematic effect that the loss of ones' name has on the psyche of an individual. Thereafter, I was chained at the waist to other women who also wore blue jumpsuits. We were told to follow a yellow line, and I became

cognizant that I was an inmate who must conform to institutional regimentation.<sup>25</sup>

We were marched to a long rectangular room that had doors on either side. I discovered that the significance of my blue jumpsuit was to identify me as a felon who would receive "maximum surveillance." Due to the media's depictions of aggressive "women behind bars," I was extremely distressed at the thought of being "raped" by the "hardened criminals" in "maximum security."

Imagine my chagrin when I was not attacked, and my cellmates turned out to be the best roommates I had ever had. My cellmates and I shared food, tears, and laughter. I learned how to survive in jail from my cellmates and the other women in maximum security. They taught me how to "smuggle food," which was necessary because dinner was at 4pm; twist toilet paper into hair rollers; and of most import, not to judge people by their circumstances. When we were allowed out of "lock down" for recreation, housekeeping and our meals, I utilized my

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25 In order to optimize surveillance and control of the inmate, penal codes were adopted that replaced arbitrary factors. Penal codes ritualized the objectification of offenders (Foucault, 1979).

time by having informal interviews with my fellow inmates.

The Wednesday following my arrest (I was arrested around 3 am on Monday morning), I was awakened at 3:30am and told I had 5 minutes to dress for court. I was chained and transported to Oceanside for my arraignment. I spent hours in a holding cell without seeing a lawyer or being told the charges against me (Which I considered a blatant disregard of my constitutional rights). I worried about the classes and the meetings I had missed.

Due to my state of poverty, I came before the judge without a lawyer, handcuffed, unkempt, and dressed in a wrinkled jail jumper. However, the judge would have overlooked my dejected state and released me on my "Own Recognizance" (ROR) after reading character references from the head of the NAACP and my guidance counselor that stated: I was an honor student, a member of the student senate, and the first AFRO American to receive the Medal of Honor at Mira Costa College in 25 years. Nevertheless, the prosecuting attorney did not want me released because of my previous arrest, and the restraining order that had been placed against me by Dawn who described me as mentally unhinged to the extent that

she "feared for her life if I was released from jail." Therefore, due to the evidence presented against me, the judge stated that he was going to look further into the matter in order to assess the "Jekyll and Hyde nature of the defendant." Consequently, after hours in another holding cell, I was returned to maximum security in San Diego.

The following Friday, I was once again awakened early and transported to the court in Oceanside. While being transported to the court in Oceanside I became cognizant of the significance that emotional immaturity and lack of education had in the incarceration of the inmates I was chained to. I found their behavior unsettling, because although they wore the garb of "minimum security," they behaved as one would expect from "women behind bars." Their immaturity was revealed as we passed multimillion dollar homes and they exclaimed, "I'm gonna get me a house like that." The inmates' grandiose "fantasies" were not reflected by the sheriffs who were transporting us. One sheriff's laughed and stated, "I can't even afford to buy a good look at the homes in this area."

I was placed in a holding cell for hours before I was brought before the judge who granted me a ROR. However, I was not released for 12 hours, and had to endure an exhaustive day from the fatuousness of the immature inmates. In order to avoid a possible attack and their verbal inanities, I asked to be placed in solitary confinement. I was released after midnight in downtown San Diego.

Although scheduled on my 47<sup>th</sup> birthday (May 6, 1991), my trial proved an unforgettable experience and a life changing event (The charge of felony had been dropped to a misdemeanor). Upon entering the court room, I overheard the judge joking with the prosecutor about the case. Although I did not understand the terminology, I knew that I had a good case when the prosecutor said, "that's my case and I'm stuck with it."<sup>26</sup>

Voir dire<sup>27</sup> was the first of my educational courtroom adventures through the judicial process. After voir

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26 A possible explanation for the discourse between the prosecutor and judge may be that they were embarrassed by the racist issues involved in the case (Feagin, 2000). White Americans who deny the existence of racist systems and the benefits they derive from them are practicing a form of "self-deception" that harms "the souls of white Americans" (Feagin, 2000, p. 197).

dire, my attorney requested that the judge close the court to "witnesses only" (Although I did not know it at the time, my lawyer had made a brilliant decision). The prosecutor's opening statement painted me as a monster, and I lost my optimism as I looked at the all White jury. However, my fears were alleviated by my attorney's opening statement.

My attorney clarified to the jury the larger context in which 6'4" Big John was the instigator of the altercation, whereas I, was the real victim. He explained to the jurors that because Big John would have hurt the prosecutor's case he would not testify or be present in court. Therewith, my attorney entreatingly stated, "keep in mind that Big John was the puppet master behind all the proceedings you will hear today." The importance of my lawyer's decision to close the courtroom to "witnesses only" was revealed during cross examination.

Dawn was the first witness to testify for the prosecution. She testified that she was alone in her room when she heard me scream profanity at her husband.

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27 Voir dire is the process that allows the prosecutor and defense attorney to eliminate prejudicial jurors to their side.

However, when Crystal testified, she stated that she was with Dawn when Dawn ran into the kitchen. My lawyer exposed the contradictory testimony of Dawn and Crystal, and argued that the altercation had been a scheme devised by them to place the defendant in a position wherein Dawn would have an excuse to "kick her ass."

The case for the Defendant wrought an unexpected surprise. Two of my dinner guests appeared as witnesses for the defense. They testified that Big John, Dawn and Crystal were confrontational and called me nigger several times during the evening. They told the jurors that because of the hostility in the house, they feared for my safety and asked me to go home with them.

I was distraught and in tears during most of my testimony (especially when I was shown the pictures of Dawn's injuries). I testified that I had tried to be a good roommate by cooking meals and taking care of them when they were sick; but nothing that I did would placate their behavior towards me. I informed the jury that a week before the incident Dawn had told me that she was going to kick my ass.

The prosecutor assailed the point during cross examination that I had used profanity. I did not

understand why the prosecutor would make an issue over my use of profanity rather than make the point that I had instigated the altercation. I was not aware at the time of the salience of racist structures/system involved in the case. I later learned that the prosecutor's emphasis on my alleged profanity was his endeavor to paint me as a "black threat" that had attacked the "white decency" of my roommates. Because the prosecutor's case was weak, he utilized racist stereotypes in order to substantiate in the minds of the White jurors that I had negative characteristics (such as aggression and masculinity), and therefore, posed a threat to my roommates and decent folk (Canales, 2000; Fishman, 2006; Rabow, 2006).

The prosecutor painted me with the dark brush of fear and disguised racism throughout his closing. However, my lawyer's closing was brilliant. My lawyer explained to the jury that my roommates had planned an assault on me, but needed an excuse so they sent in Big John to torment me. He concluded by emphatically stating that this was a clear case of "self-defense." At the trials conclusion, my lawyer informed me that I need not come to court for the verdict. He wished me a happy birthday and told me not to worry because several of the

jurors cried during my testimony. I was informed of the "not guilty" verdict the following day. However, the charge and arrest remains on my record.

## CHAPTER FIVE

### CONCLUSION

#### Background

The study examined the effects that centuries of racialized subordination have had on the egregious disproportionate representation of AFRO Americans in the criminal justice system. The perception that Black Americans have a proclivity for crime has enabled members of the White dominant group to rationalize and/or ignore racist systems/structures that are the causal factors in the incarceration of millions of AFRO Americans (Alexander, 2010; Donziger, 2007; Feagin, 2000; Kelly, 2006). The denial by members of the White dominant group that racism is the salient factor in the criminalization of AFRO Americans was explained by Fishman (2006) who stated that "It seems that perceived black criminality makes whites feel good" (p. 205).

Rome (2006) further elucidated that "stereotyping of African Americans as criminals feeds into denials of racism, with the parallel assumption that any problems faced by African Americans are their own fault" (p.85). Thus, the overrepresentation of AFRO Americans in the

criminal justice system has been attributed to their proclivity for criminality, and therefore, they are "born criminals" (Hodgson, 2004; Reasons, 2002). The consequence of Black Americans being perceived as "born criminals" contributed to my arrests, and has effected the overrepresentation of AFRO Americans in the criminal justice system.

As an atypical AFRO American who married a member of the White dominant group and lived in segregated neighborhoods (at least until my arrival), my personal narrative is a testimony to the salience of racist structures/systems that enabled my White husband and roommates to place me in the stigmatized position of "criminal" (Feagin, 1991, p. 115). Because my husband and roommates wanted to assert their white privilege and dominance over me, I have a record that subjugates me to the whims and dictates of other members of the White dominant group. Thus, as the ex-alcoholic or drug addict will always be associated with the stigma of their disease regardless of their dedication to sobriety, I wear the label of "criminal" to my grave (Rabow, 2006).

The perception that AFRO Americans are "born criminals" has even been sealed on the psyche of a six

year old. Police officers were called when Desre'e, a Black kindergartener, "just wouldn't calm down, so they handcuffed her and put her in a cruiser...she was booked...just like an adult, and charged with a felony and two misdemeanors" (Bargeld, 2007, para. 4, 6). Desre'e learned that when AFRO Americans act out their frustration against members of the White dominant group, the police will be called in to control them.

#### Study Explanation and Results

The study was structured to analyze some of the factors that have contributed to the criminalization of AFRO Americans. The researcher utilized a qualitative and quantitative mixed methodology that included: survey data collected from 306 university students, interviews from 14 AFRO Americans (8 were male inmates at a California prison), and a personal narrative of the researcher's experience with the criminal justice system.

#### Survey

A nine statement questionnaire was distributed to diverse demographic of 306 students who attended California State University San Bernardino in 2008. The nine survey statements were designed to determine if the

participants' response to the issues presented them would be associated with their race/ethnicity. Many of the statements were based on Donziger's (2007) assertion that "when it comes to the justice system," Black and White Americans live in "different worlds" (pp.65-67). Thus, there was an expectation that the study would generate an inverse relationship in response to the statements posed between members of the White dominant group and minorities (e.g., White participants' response would be the converse of Black participants' response to the issues). As anticipated, on several of the issues presented to the participants, there was a direct correlation between the participants' race/ethnicity and their responses to the survey questionnaire.

The survey statement, "I have been harassed by police because of my race," engendered an anticipated converse statistical significance from White and minority participants. White participants reported that they had not had a negative experience with the police, which was (statistically) different from the experience of all others in the survey (See Table 2). Conversely, AFRO American and Hispanic participants reported that they

have had negative experiences with the police (See Tables 1 and 4).

Similarly, the statement, "I feel like there is extra surveillance on me when I go shopping" (devised to determine if other AFRO Americans feel as the researcher that there is "extra surveillance" on them when shopping), also generated an expected inverse statistical significance between minority and White participants (see Tables 5-8). Because being a member of the White dominant group grants the privilege of "normality," the majority of White participants had not had "extra surveillance" on them when shopping, which was (statistically) different from the experience from all other participants in the survey (Bonilla-Silva, 2003; Feagin, 2000). However, the reverse was true for AFRO American and Hispanic participants who were treated differently in comparison to all others in the survey and have been "watched" while shopping.

The statement "It's easier if you're White in America" was developed by the researcher with the expectation that there would be a consensus with the statement by the majority of participants. Thus, the researcher's expectations were realized by the

statistically significant response generated by White and AFRO American respondents who agreed that it is easier if you are White in America (White  $p < .000$ ; Black  $p < .032$ ). Furthermore, the majority of Asian and Hispanic participants also agreed with the concept although they did not generate a statistical relationship compared with all other groups (Asian  $p < .319$ ; Hispanic  $p < .308$ ).

Due to the prevalence of negative media depictions of Black males, the statement "I cringe when someone of my race commits a crime" was formulated in order to ascertain if other AFRO Americans feel the same angst as the researcher when a Black criminal is on the news. Thus, the researcher expected an affirmation from AFRO Americans, and the converse from White participants (AFRO Americans would agree, and White participants would disagree). The results were as anticipated and there was a Black/White divergent statistical relationship in which AFRO Americans substantially agreed with the statement ( $p < .000$ ), and White participants disagreed with the statement ( $p < .003$ ). Although there was not a statistical significance generated from Asian respondents in relation to all others, due to their status as the "model minority," the majority of Asian participants also

"cringed when someone of their race commits a crime" (50 percent).

Statements 5-8 were formulated to determine if the participants' race/ethnicity would affect their perception of the Black male as a threat. Although none of the statements yielded a statistical significance from all groups, "Black males seem more of a threat to me than White males," produced a statistical significance from Asians ( $p < .002$ ) in comparison with all other groups on the statement. A possible explanation for Asians candid response to the statement was provided by Dr. Fenelon in a personal communication (October, 12, 2010). He explained that because Asians position in the racial hierarchy is not as clear as the Black/White dichotomy, they have accepted the stereotypes and racist ideologies of the White dominant group without the filter of "colorblindness." The reverse is true for White participants who may have disagreed with the statement because they wanted to be perceived as "colorblind" due to the "social desirability" factor (Bonilla-Silva, 2003).<sup>28</sup> Although there was no statistical significance

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28 Scholars have viewed the tendency for individuals to present themselves in a favorable light as "social desirability," a factor

engendered (White  $p < .161$ ), over 50 percent of White respondents disagreed with the assertion (57.1%). Although the majority of AFRO Americans also disagreed, there was only a directional statistical significance in relation to all others ( $p < .061$ ).

Another unexpected result was produced by the statement, "They should lock Black lawbreakers away for as long as possible." AFRO Americans disagreed with the argument as anticipated and produced a statistical significance of  $p < .018$ . However, Asian participants also disagreed with the statement and generated a statistical significance ( $p < .001$ ). Asians negative response to locking Black lawbreakers away as long as possible appears to contradict their previous response to the statement, "Black males are more of a threat than White males." Therefore, Asians are a group of interest for further study on race issues due to their enigmatic place in America's racial hierarchy.

Another intriguing result was produced from the statement, "Black males are more likely to commit crimes

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that has problematic consequences in research because it may mask the true feelings of individuals (Podsakoff, MacKenzie, Jeong-Yeon, & Podsakoff, 2003).

than White males." Because Asians agreed with a previous statement with the same theme, the researcher anticipated that Asians would also agree that Black males are more likely to commit crimes than White males. Nevertheless, 41.7 percent of Asians disagreed with the statement (However, it was not statistically significant compared to all others). The AFRO American response was also of interest to the researcher. Although the majority of Black respondents disagreed with the statement (68.3 percent disagreed), they did not generate an anticipated statistical significance as compared to all others (AFRO American=  $p < .085$ ). Furthermore, the researcher was surprised that Hispanic respondents who disagreed generated a statistical significance of  $p < .048$ , and White respondents provided a directional statistical significance of  $p < .061$  as compared to all others.

Because the researcher has experienced angst in the presence of groups of young Black men, the statement "Groups of young Black men frighten me" was developed as a method to ascertain if the participants in the study also feared "groups of young Black men." Again, the Asian response was unexpected. Asians were the only group to show a statistical significance of  $p < .029$  in

their opposition to the assertion. Although the majority of White respondents disagreed with the statement, 19 percent agreed with the statement and 25.7 percent checked neutral (See footnote 25 for a possible explanation). Thus, 45 percent of White participants did not disagree with the premise, which may be due to the female majority among White participants (White females=21.5; White males=13.2).

Due to the prevalence of negative media depictions of AFRO Americans, the researcher wanted to determine if the participants would agree that "The media contributes to the perception that Black males are criminals." As anticipated, the premise generated a statistical significance from AFRO American participants ( $p < .021$ ). Furthermore, White participants also produced a statistical significance as compared to all others ( $p < .003$ ). Although there was no statistical significance provided by Hispanic or Asian participants, the majority concurred that the media has contributed to the perception that Black males are criminals.

The researcher did not analyze the age demographic because the majority of participants were under 25. Therefore, the data produced a "skewed" result that did

not generate a statistical significance. Due to the female majority among student participants, gender also did not generate statistical relevance for eight of the nine statements. However, the statement, "I have been harassed by police because of my race," did provide a gender bias in which 64.9 percent of females disagreed compared to 34.5 percent of males (Female=  $p < .000$ ). The disparity may be due to the fact that the majority of participants in the survey were female, therefore, they were less likely to have been harassed by police than the males (specifically, Black and Hispanic males).

### The Seduction of Racism

Although many White Americans deny that they are racist and/or benefit from living in a racist society, my personal narrative repudiates that denial (Alexander, 2010). Because racist systems/structures appeal to the human need to control/dominate others (have one's way), members of a dominant group will utilize those systems/structures when their dominance is threatened. The seduction of domination was examined by Ausdale and Feagin (2001) who noted that pre-school children are cognizant of dominant group ideological messages of White

superiority to the extent that White children prefer the company of other White children (a perception also shared by AFRO American children who identified themselves as White). Moreover, the behavior of a four year old who told her teacher that she wanted to move her cot during nap time because she couldn't "sleep next to a nigger," exemplified the explanation that White children experiment with "how to be white and how to handle the privileges, propensities, and behaviors associated with the white position in society" (Ausdale & Feagin, 2001, pp. 1, 37).

The preceding analysis is an explanation for the actions of my White husband and roommates. Although my husband and I had been married for 15 years, when his dominance over me was threatened, he utilized "white privilege" and engaged the White dominant group's "domestic military" to have me arrested (Alexander, 2010). Years later, my White roommates attacked me, and employed similar tactics to assert their dominance to "put me in my place" (Jensen, 2005; Kivel, 2002; Kelly, 2006; McIntosh, 1988; Rothenberg, 2007).

Thus, the utilization of "white privilege" is ubiquitous in a racist society. Racist

systems/structures in the United States have been covertly defused to the extent that they go unnoticed and/or rationalized by members of the White dominant group (Bigg, 2007; Bonilla-Silva, 2006; Feagin, 2000). Consequently, although America incarcerates 1 in 100 of its citizens (a greater portion of its population than any other nation in the world including China or India), there is little discourse on the salient issue that the cause for America's incarceration debacle is that a mere 13 percent of the population constitute almost 50 percent of those incarcerated (Alexander, 2010; Feagin, 2000; Mauer, 2006).

Due to the disproportionate incarceration of AFRO Americans, and the detrimentally consequential effects thereof, I wanted to determine in this study the extent that the perception that AFRO Americans have a criminal proclivity will have for the future of the Black community. Therefore, I developed the questions for the interview questionnaire as a method to discover if other AFRO Americans have had similar experiences with the criminal justice system as I. Moreover, I hoped to relieve my trepidation for the future of my people.

## Interviews with AFRO Americans<sup>29</sup>

Due to the confounding number of identity markers for the descendents of slaves (e.g., the 2010 U.S. Census, Question 9), I sought to ascertain what nomenclature the interviewees preferred to be identified by. Although I still ponder which race identity marker I prefer, four of the six interview participants preferred to be identified as Black. Because of the importance of identity markers, this issue should be the focus of further studies.

My personal experience with the criminal justice system was the impetus for this study. Therefore I posed the question, "Have you ever had a bad experience with law enforcement." Four of the six participants reported that they had had negative experiences with the police. However, other than 18 year old Andre who had been "taken into custody for ditching school, none of those interviewed reported that they had been arrested.

The majority of interview participants concurred with the statement, "It's hard if you're Black in America." Some of their thought provoking accounts were,

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<sup>29</sup> The personal interviews with AFRO Americans were conducted during

"Blacks have to work twice as hard in this society to be successful [and] you never know when you are being discriminated against." Furthermore, White Americans outnumber Black Americans (20-1), [consequently] the odds are against AFRO Americans in getting "top jobs, purchasing a home, credit ratings [etc.]." Eighteen year old Andre addressed a significant issue for young Black men when he explained, "it is more difficult if you are an African American in America due to the media's degradations and excessively negative stereotypes, [therefore] it is harder to find a decent job and even harder to keep it."

I employed a similar theme in the statement, "Life would be easier if I were White." Although most of the participants agreed with the premise, several reported that they would not change their race if they could. Once again, it was young Andre who best expressed the reasons that I and other AFRO Americans would not be White if we could. He acknowledged that life would be easier if he were White, however, he firmly believes that it is the "obstacles" in life that have contributed to

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the Spring, Summer and Fall of 2008.

his determination to be somebody, and therefore, he would not change his ethnicity because it defines who he is.

In order to determine the participants' perception of AFRO American criminalization and the effects thereof, several questions were posed. To the statement, "Young Black males are seen as a threat to most White Americans," Robin best expressed the sentiments given by most participants when she explained that the media projects negative images of Black men that promote the perception that Black males are a threat because there is a profit motive; she added that it is the perception, rather than the actuality that Black men are a threat. Similarly, the statement, "Most White people think Black people are criminals, due to the media and politicians like Bush Sr. (Willie Horton)," wrought interesting replies from the interviewees. Carmen (age 56) replied that it "could be a true statement" because of the "odds against us" as a minority group, and the economic limitations that contribute to the criminalization of Black Americans who can't afford good lawyers. Andrew (age 64) agreed that the media has had a "great influence on how everyone thinks." Another consensus from the participants was engendered by the statement "It seems

like the door of opportunity is closing for AFRO Americans, but not prison doors." Although the majority of participants' thoughts on the subject concurred with mine, sixty-four year old Andrew's response best expressed our consensus when he equated the loss of "opportunity" to the inequity of sentencing between White and Black Americans, and argued that the justice system is "not fair" because "too many young black Americans" are sent to prison as "compared to young whites [who commit] the same crimes."

The final question proposed to the interview participants was developed to elicit their perception of the media's role in the criminalization of AFRO Americans via negative portrayals, and also to determine if they had been affected by them. The statement, "The media has even made me afraid of young Black males," produced the following replies: Shirley confided, "In certain circumstances I have been a little uneasy around a few young Black males;" Carmen thinks the media has engendered fear of the Black male via negative rather than positive reports.

## Interviews with Prison Inmates<sup>30</sup>

The interviews submitted by eight AFRO Americans incarcerated at the California Men's Colony (CMC) were not solicited (see explanation in Methods); however, they were included in the study because they provided an insight into the perceptions of the criminal justice system from the perspective of incarcerated Black men. Although, the questionnaire presented to the inmates were "first draft" questions and therefore had not been excogitated, they engendered excellent responses from the inmates. The question "Do you think Blacks are criminalized," L.O. (age 30) replied, "Yes and no. I think it depends on the age of the person, and how [they are] dress, and what part of the community they are in."

The inmates' response to the premise that their race played a role in their incarceration exacted mixed responses that suggest that they acknowledged their complicity in the crimes to which they were charged. However, they reported that there was inequity in the sentencing process. As one inmate explained, "as to the committal of said crime(s) no, but in the dispersion of

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30 The personal interviews with the prison inmates were conducted in

time for crime yes." The eldest inmate reflected, "The degrees of the crime that I committed did not warrant the time I received for doing it."

As a Black woman who has had firsthand experience with the criminal justice system, and only saw her lawyer once before the trial, I wanted to ascertain if the inmates had experienced any problems or issues with the judicative process. Although disconcerted, I was not surprised to find that only two of the eight inmates thought their lawyer had helped their case. Two of the inmates explained their vexation with their attorney by noting: "I had a court appointed one and she didn't do nothing I couldn't have done for myself." Thirty-nine year old A.J. extolled, "Yes! My lawyer hurt my case, because he kept telling me to take the deal, when I asked him to stop asking me to do so, he acted more like the D.A. than my attorney."

Another problematic concern with the justice system was verified by seven of the eight inmates who reported that they did not exercise their civil right to a fair trial. A major factor in America's incarceration fiasco

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January 2008 by my incarcerated nephew.

is the waiver of the constitutional right to a jury trial by over 90 percent of defendants (Lynch, 2003).

According to Lynch (2003),

The truth is that government officials have deliberately engineered the system to assure that the jury trial system established by the Constitution is seldom used...the guilty plea or no contest plea is the 'quid pro quo. (p. 24)

Furthermore, many prosecutors tell the accused that if they plead guilty, they would only have to serve four years as compared to the 20 years they would be charged if they lost the case in court (Lynch, 2003). Therefore, when one is given an overburdened, ineffectual defense attorney, which will severely impact the chances of winning your case in court, you might respond as the following inmate,

I had no jury. My back was against the wall. I had no witnesses on my behalf. So it was my word against the police report, and who do you think the court is going to believe? So I took the deal for 10 years, at 80 percent to serve on my sentence.

The preceding analysis explains why only one inmate responded that he had been treated fairly by the system.

My nephew emphatically expressed his opinion on the subject of the inequity of the system when he stated, "I think the justice system is very impartial and almost always shows favoritism to whites, if you're black, you'd better have money to get out or win your case."

Due to the high recidivism rates,<sup>31</sup> I wanted to determine if the inmates had taken classes/courses to improve their chances of not returning to prison. Although the majority of the inmates had taken steps to improve their life, many of them were alcohol/drug dependent and therefore (as in the case of my nephew), their addictions should have been addressed. The importance of addressing the inmate's addictions was a topic on *Real Time with Bill Mahar (2010)*, in which Congressman Darrel Issa (R-CA) argued,

It's a national tragedy [that] at the federal and state level, people go into prisons and they come out worse than when they went in. We have the highest level of incarceration of any developed nation in the world, and we can't get people detoxed

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31 A 2008 report found that the recidivism rate is 40 percent nationwide, and over 60 percent in California (personal communication, from Dale Sechrest, October 28, 2010).

and educated by the time they come out, so the recidivism rate keeps going up. (Mahar, Carter & Griffiths, 2010)

The congressman's illumination of the issue substantiated my own concerns for my nephew and other addicted Black men in the prison system.

Another essential component in the arsenal against recidivism is a good support system. Thus, the inmates were asked if they had a support system when released. With the exception of the inmate who had spent the majority of his life behind bars, all the inmates reported that they had some form of support network when released (i.e., good relationships with family and friends).

#### Limitations and Suggestions

Utilizing a convenience sample for the survey, which was drawn from Dr. Fenelon's Race and Racism (SSCI 316) classes (only 72 out of the 306 student participants were not taking the course), engendered unforeseen limitations in the study (Berg, 2004). Because the plurality of participants in the survey was White (33.4 percent), the

demographic was not representative of the campus population that has a Hispanic plurality. Another issued may have been the perception by some of the student participants that the survey was a test on which they would be judged.<sup>32</sup>

Additionally, many of the White participants may have reacted to the course material and lectures as an indictment against White people. Another factor was the youth of almost 70 percent of the survey participants (18-24). The study may have produced a better analysis of the issues from an older demographic who are often less concerned with "social desirability" or appearing "colorblind" (Bonill-Silva, 2003; Weinstein & Beckhouse, 1969).

An important factor that limited analysis was the "neutral" category in the survey. Because statement 1 did not have a neutral category (I have been harassed by police because of my race), it yielded a more exact reflection of the participants' perceptions of the issue. Therefore, the neutral categories in statements 2-9 should have been omitted in order to obtain a more

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32 This may have been the case although the student participants were

precise reflection of the participants' perceptions on the issues.

Due the precipitousness of my nephew (sending interviews with fellow inmates without my approval or solicitation), the questionnaire lacked information on their criminal records (The length of their sentences, time in prisons, age of first arrest, etc.). Another issue caused by my nephew's presumption was my lack of input in the method he used to elicit the interviews (written or oral). It was brought to my attention that the personal narrative of my arrests may be viewed by many as a limitation; whereas, others might view it as strength. However, I think my narrative is an important supplement to the study in order to disclose the seductive nature of racism that grants members of the White dominant group the "privilege" of "power" over Black Americans (Davis-Adeshote, 1995; Feagin, 2000; Zatz & Mann, 2006).

An additional issue of concern was the implementation of a mixed methodology in the study (survey, interviews and personal narrative), which

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informed that their participation was strictly voluntary and would not affect their grade.

created problematic limitations that I did not perceive (time and length). Thus, future studies should examine many of the issues illuminated within this work (The most salient of which was the incongruous response generated by Asians). Because historical racism has had a detrimental effect on the AFRO American psyche (corroborated by the overrepresentation of Black Americans in the prison system), research should study the effects of AFRO Americans' perceptions of their status as a subordinated group in a predominantly White society.

#### Final Input

My trepidation for the future of my people was substantiated by the study that included the literature, the survey, and interviews with AFRO Americans in and out of prison. The survey revealed an inverse relationship between White and Black perceptions of racism that may explain many of the ideological conflicts which arise when "speaking of race" (Bonilla-Silva; Feagin, 2000). The prison inmates' interviews revealed the inequity of the judicative process in which poor Black "offenders"

are induced to "take the deal." Another bias of the criminal justice system was reported by the inmates who expressed their disdain for the sentencing disparity between Black and White offenders. Warner (2000) affirmed the inmates' angst when he examined studies that "...suggest that the strongest racial effects (racial discrimination) are manifested at the sentencing stage" (p. 171).

The AFRO Americans who had never been incarcerated concurred with me on many of the issues presented them. However, the issue of paramount concern for the future of the AFRO American community was also validated by the survey. Because AFRO Americans represent a mere 13 percent of the population, negative images and stereotypes may substantiate in the minds of many members of the White dominant group our "alienness." The study corroborated the media's complicity in perpetuating negative stereotypes and imageries of AFRO Americans. News broadcasts, movies, and television programs too often cast Black actors as characters with no moral compass. Apparently, movie and television producers and staff think that "villains" appear more "vile" when they are portrayed by Black actors. Denzel Washington won his

first Oscar for portraying a corrupt police officer who was "training" the vulnerable White recruit. Why didn't the producers cast a Black male to play the "trainee" or give Denzel the part of the good police officer if not due to the perception that Black Americans are "born criminals" and therefore, they make better villains? Samuel Jackson has been "type-cast" as the consummate villain. In *Unbreakable* (2000), Jackson played the diametrical "villain" to Bruce Willis' "hero." Consequently, the medias' negative depictions substantiate the "otherness" of Black Americans in the minds of many White Americans, which inflicts irreparable damage on the AFRO American "psyche."

Feagin (2000) argued that race is a catapult for vertical hierarchy in a stratified society. Although gender and class are strong components, nevertheless, they are trumped by the race card (Aguirre & Turner 2001; Bonilla-Silva, 1996; Fenelon & Brod 2000). Katrina exposed racialized poverty in America to the world. The world watched thousands of mostly Black faced Americans "locked into Third-World-like poverty conditions" as they cried for help while the government did nothing to aid them for five days (Kelly, 2006, p.15).

Many died who might have been saved if help had arrived in time. The lack of the governmental response to the needs of the Katrina victims was overshadowed by the way Black Americans were viewed by the government and the media (Dyson, 2006). Dyson, (2006) exposed the racist ideologies that are intrinsic in the media's depiction of AFRO Americans as criminals as opposed to the way in which White Americans are portrayed in the following excerpt:

A set of photos, and their accompanying captions, were widely circulated on the internet the day after the storm struck. In the first photo, a young black man clasps items in each arm as he forges through the flood waters. The caption to the AP (Associated Press) reads: "A young man walks through chest deep flood after *looting a grocery store.*" [However], in the second photo, also from AP, a young white man and woman tote food items in their hands as they carry backpacks and slush through the flood waters. The caption accompanying the photograph reads: "two residents wade through chest-deep water after *finding bread and soda from a local grocery store after Katrina*"...the captions say it all: the young

black man loots his groceries, the white youth find theirs (p. 164).

Thus, the media revealed to the world that Black Americans are "looters" whereas, White survivors of Katrina heroically "find food."

The problematic conditions of subordination for Black Americans was further examined by Naison (2005) who reported that the aftermath of Katrina is indicative of racialized poverty in the United States, and that AFRO Americans are as "trapped" by poverty as they once were by de-jure segregation laws (para. 4). Kelly (2006) added that social conditions for Black Americans are varied, in that they are defined by success or failure. He explained that the Black middle class exists in a kind of "virtual equality," while the "core community" of AFRO Americans live in a state of "virtual segregation" due to their "asset accumulation deficiency" (p.16). The preceding analysis substantiates the assertion of this work that the persistence of racism, segregation, and poverty has been a contributing factor in the criminalization of AFRO Americans (Glasgow, 1981).

The impoverished state of many AFRO Americans has problematic social consequences. One's state of poverty

is exacerbated in a society that places emphases on "the good life." We live in a nation where access to valued resources are seemingly the provinces of the White dominant group (e.g., good paying jobs, education, health, nutrition, swimming pools, playgrounds, vacations, Disneyland, etc.), while many Black Americans are relegated to a state of immobility that leads to despair and criminal activity (Glasgow, 1981).

Therefore, it is not the group that is at fault, but the society and the social structure that is criminal. The true criminal is a racist system that institutes social systems/structures that place the individual in a position in which their choices are limited in the extreme (Alexander, 2010).

I went to an integrated high school and had White friends whose fathers were doctors and lawyers, whereas, I lived in a matriarchal welfare home. Today, the majority of students at that high school are Black (Bigg, 2007). The majority of schools that poor AFRO Americans attend are underfinanced to the extent that they lose good teachers (The best teachers have their choice of schools). The prevalence of segregated, underfinanced schools in the 21<sup>st</sup> Century nullifies the 1954 Supreme

Court decision on *Brown v. Board of Education* (Orfield, G., & Lee, C. (2004).

The issue of problematic segregated schools was illuminated by an episode of *School Pride* (Cannon, 2010) in which two Black teens explained in a video that their Detroit, Michigan High School was being closed due to its dilapidated condition (rain damaged ceilings, closed library, broken and missing windows, etc.). The teens pleaded to the show's producers to help them because "academically, CMA (Communication & Media Arts High School) is ranked one of the top 3 [achieving schools] in the entire city, yet the district is trying to shut us down" (Cannon, 2010). Principal Donya Odom added

...we are a good school, 97 percent of our students come to school everyday [and] 97 percent of our seniors graduated. [Yet] despite those efforts, we find ourselves once again, on the chopping block. (Cannon, 2010)

Since urban schools are a low funding priority in many school districts throughout the nation, Black students had to implore a television program to help them save their school. Numerous studies have found that there is a direct correlation between education and

crime. Research has disclosed evidence that the more educated one becomes, the less likely one will commit a crime. Economists Lochner and Morretti (2003) reported that "increasing high school graduation rates offers far greater benefits when both crime reductions and increased productivity are considered (p.26). Therefore, education is of paramount import in the curtailment of crime, and therefore, the government should fund all schools to ensure an equal education to all American students (Orfield, & Lee, 2005).

Segregated, underfinanced schools, lack of jobs, and problematic poverty are a fact of life for many Black Americans (Alexander, 2010; Dyson, 2006; Orfield, & Lee, 2005). The prevalence of residential segregation in the twenty-first century is detrimental to the advancement for many AFRO Americans who are denied access to "segregated social networks" that "trade resources," provide knowledge of employment opportunities, in addition to other important social supports (Bolton and Feagin, 2004, p.33; Orfield, & Lee, 2005; Phillips, 2009).

Thus, the cumulative effect of racism has contributed to a state of poverty for millions of Black

Americans as a result of the legacy of slavery that granted four million slaves their freedom without the resources to enjoy that freedom (Davis, 2003). The criminalization of millions of AFRO Americans is the consequence of racist system/structures generated to control the freed slaves and their descendants. The results of the study clearly indicate that racist systems/structures have contributed to the overrepresentation of AFRO Americans in the prison system, and therefore, we are not "born criminals," we are the victims of historical racism.

My concern for the future of my people has been intensified by the evidence generated in the study. The long term effects of labeling millions of AFRO Americans felons are ubiquitous in a society that condemns those thusly accused to a lifetime in purgatory. Due to the ponderous effect of negative sanctions imposed on those labeled felon, one cannot wonder that the United States incarcerates more of its citizens than any other nation in the world.

We treat felons as societal pariahs. Few employers will hire felons. Felons are denied federally funded education, food and housing subsidies. I would be dead

or homeless if I had been labeled a "felon." I would not have been able to acquire employment, obtain an advanced education or live in my senior apartment complex. AFRO Americans, who were arrested for smoking marijuana in their youth, are not eligible to receive life-sustaining benefits as senior citizens.

I recently applied for food stamps, and the eligibility worker inquired if I was a felon? I would have been ineligible to receive a housing subsidy as a felon (Section 8). I was told by the management of my senior apartment complex that they do not accept felons as residents (With or without a housing subsidy). I argued and lost against a city ordinance that denied parolees a place to live, by implementing a restriction against more than two unrelated persons sharing the same residence. Although someone may have committed a crime thirty or forty years in the past, they are denied employment, food stamps, housing, and Medicaid as seniors, because the charge of felon is a lifelong sentence in which you pay and pay and pay.

Consequently, the criminalization of millions of AFRO Americans will have a devastating impact for future generations of Black children. They will be born into a

world in which their fathers and grandfathers have been labeled "criminals." Thus, the studies' evidence has validated my trepidation for the future of the AFRO American community.

APPENDIX A  
IRB APPROVAL AND INFORMED  
CONSENT FORMS



Academic Affairs  
Research and Sponsored Programs • Institutional Review Board

June 9, 2008

Ms. Debra Wasserman  
c/o: Prof. James Fenelon  
Department of Sociology  
California State University  
5500 University Parkway  
San Bernardino, California 92407

**CSUSB  
INSTITUTIONAL  
REVIEW BOARD**  
Expedited Review  
IRB# 07077  
Status  
**APPROVED**

Dear Ms. Wasserman:

Your application to use human subjects, titled, "Born Criminal: The Criminalization of African Americans" has been reviewed and approved by the Institutional Review Board (IRB). Your informed consent document is attached. This consent document has been stamped and signed by the IRB chairperson. All subsequent copies used must be this officially approved version. A change in your informed consent (no matter how minor the change) requires resubmission of your protocol as amended.

The CSUSB IRB has not evaluated your proposal for scientific merit, except to weigh the risk to the human participants and the aspects of the proposal related to potential risk and benefit. This approval notice does not replace any departmental or additional approvals which may be required.

Your applications approval is good for 1 year from the date of approval from 06/09/2008 through 06/08/2009. Please submit your renewal 1 month prior to your research ending date to ensure there is no lapse in your IRB approval. Your responsibilities as the researcher/investigator reporting to the IRB Committee include the following requirements. You are required to notify the IRB of the following: 1) submit a protocol change form if any substantive changes (no matter how minor) are made in your research prospectus/protocol, 2) if any unanticipated/adverse events are experienced by subjects during your research, and 3) when your project has ended by emailing the IRB Coordinator. Please note that the protocol change form and renewal form are located on the IRB website under the forms menu.

Your project is approved for one year from the letter approval date listed above. If your project lasts longer than one year, the investigator/researcher is required to notify the IRB by email or correspondence of *Notice of Project Ending* or submit a *Request for Renewal* at the end of your approval end date. Failure to notify the IRB of the above may result in disciplinary action. You are required to keep copies of the informed consent forms and data for at least three years.

If you have any questions regarding the IRB decision, please contact Michael Gillespie, IRB Coordinator. Mr. Michael Gillespie can be reached by phone at (909) 537-7588, by fax at (909) 537-7028, or by email at [mgillespie@csusb.edu](mailto:mgillespie@csusb.edu). Please include your application identification number (above) in all correspondence.

Best of luck with your research.

Sincerely,

  
Sharon Ward, Ph.D., Chair  
Institutional Review Board

SW/mg

cc: Prof. James Fenelon, Department of Sociology

909.537.5027 • fax: 909.537.7028 • <http://irb.csusb.edu/>  
5500 UNIVERSITY PARKWAY, SAN BERNARDINO, CA 92407-2393



Academic Affairs
Research and Sponsored Programs • Institutional Review Board

INFORMED CONSENT

The study in which you are being asked to participate is designed to research the criminalization of African Americans within American society. This study is being conducted by Ms. Debra Wasserman under the supervision of James Fenelon, Professor of Sociology, California State University, San Bernardino. This study has been approved by the Institutional Review Board of California State University, San Bernardino.

In this study you will be asked to respond to questions that enlist your opinion. You can respond to the questions in my presence or at your convenience. The interview will take no more than 1 hour to complete. Your name will not be connected with your data so your responses will be confidential. Your participation in this study is strictly voluntary and you can withdraw or have your data removed from this study at any time by simply asking me to remove you from the study.

There may be a potential risk associated with the survey that may include psychological discomfort or anger. The potential benefit to this research may include bringing greater awareness of the criminalization of African Americans within American society.

If you have any questions or concerns about this study, please feel free to contact my advisor, Prof. James Fenelon at extension 909-537-7291 or contact me by email at wassermd@csusb.edu,, and I will forward your email to him.

By reading this informed consent I acknowledge that I have been informed of, and that I understand, the nature and purpose of this study, and I freely consent to participate. I also acknowledge that "I am At Least 18 Years of Age," to be able to participate in this study.

Thank you for your participation.

CALIFORNIA STATE UNIVERSITY, SAN BERNARDINO
INSTITUTIONAL REVIEW BOARD COMMITTEE
APPROVED 06/09/08 VALID AFTER 06/08/09
IRB# 07077 CH/mt
Sharon A. Ward, Ph.D.

909.537.5027 • fax: 909.537.7028 • http://irb.csusb.edu/
5500 UNIVERSITY PARKWAY, SAN BERNARDINO, CA 92407-2393

The California State University • Bakersfield • Channel Islands • Chico • Dominguez Hills • East Bay • Fresno • Fullerton • Humboldt • Long Beach • Los Angeles Maritime Academy • Monterey Bay • Northridge • Pomona • Sacramento • San Bernardino • San Diego • San Francisco • San Jose • San Luis Obispo • San Marcos • Sonoma • Stanislaus

## INFORMED CONSENT

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In this study you will be asked to respond to several survey questions. The survey should take about 5 to 12 minutes to complete. Your name will not be required for this survey and therefore the answers you provide will be anonymous.

Your participation in this study is totally voluntary. You are free not to answer any questions and withdraw at any time from the survey with no penalties. Completing the survey will not affect your class standing in any way.

The IRB sees a potential risk associated with the survey that may include psychological discomfort or anger. The potential benefit to this research may include bringing greater awareness of the criminalization of African Americans within American society.

If you have any questions or concerns about this study, please feel free to contact my advisor, Prof. James Fenelon at extension 909-537-7291 or by email at [jfenelon@cusub.edu](mailto:jfenelon@cusub.edu).

By reading this informed consent I acknowledge that I have been informed of, and that I understand, the nature and purpose of this study, and I freely consent to participate. I also acknowledge that "I am At Least 18 Years of Age."

Place a check mark here

Today's date: \_\_\_\_\_

## **INFORMED CONSENT**

The study in which you are being asked to participate is designed to research the criminalization of African Americans within American society. This study is being conducted by Ms. Debra Wasserman under the supervision of James Fenelon, Professor of Sociology, California State University, San Bernardino. This study has been approved by the Institutional Review Board of California State University, San Bernardino.

In this study you will be asked to respond to questions that enlist your opinion. You can respond to the questions in my presence or at your convenience. The interview will take no more than 1 hour to complete. Your name will not be connected with your data so your responses will be confidential. Your participation in this study is strictly voluntary and you can withdraw or have your data removed from this study at any time by simply asking me to remove you from the study.

There may be a potential risk associated with the survey that may include psychological discomfort or anger. The potential benefit to this research may include bringing greater awareness of the criminalization of African Americans within American society.

If you have any questions or concerns about this study, please feel free to contact my advisor, Prof. James Fenelon at extension 909-537-7291 or contact me by email at [wassermd@csusb.edu](mailto:wassermd@csusb.edu), and I will forward the email to him.

By reading this informed consent I acknowledge that I have been informed of, and that I understand, the nature and purpose of this study, and I freely consent to participate. I also acknowledge that "I am At Least 18 Years of Age," to be able to participate in this study.

**Thank you for your participation.**

APPENDIX B  
SURVEY QUESTIONNAIRE

**Please answer the following as best applies**

**Age** \_\_\_\_\_

**Race** \_\_\_\_\_

**Gender**    **F**    **M**

1.    I have been harassed by the police because of my race.  
      strongly agree    agree    disagree    strongly disagree
  
2.    I feel like there is extra surveillance on me when I go shopping.  
      strongly agree    agree    neutral    disagree    strongly disagree
  
3.    It's easier if you're white in America.  
      strongly agree    agree    neutral    disagree    strongly disagree
  
4.    I cringe when someone of my race commits a crime.  
      strongly agree    agree    neutral    disagree    strongly disagree
  
5.    Black males seem more of a threat to me than white males.  
      strongly agree    agree    neutral    disagree    strongly disagree
  
6.    They should lock black law breakers away for as long as possible.  
      strongly agree    agree    neutral    disagree    strongly disagree
  
7.    Black males are more likely to commit crimes than white males.  
      strongly agree    agree    neutral    disagree    strongly disagree
  
8.    Groups of young black males frighten me.  
      strongly agree    agree    neutral    disagree    strongly disagree
  
9.    The media contributes to the conception that black males are criminals.  
      strongly agree    agree    neutral    disagree    strongly disagree

**THANK YOU FOR YOUR TIME AND INPUT**

APPENDIX C  
INTERVIEW QUESTIONS FOR AFRO  
AMERICANS

## Interview questions with Afro Americans

AGE----- Gender-----

1. Which of the following do you prefer to be identified by and why?  
Black Afro American African American person of color other
2. Have you ever had a bad experience with law enforcement?
3. Please give me your response to the statement:  
“It’s hard if you’re black in America.”
4. Please give me your response to the statement:  
“Life would be easier if I were white.”
5. How would you respond to the statement:  
“Young black males are seen as a threat to most white Americans.”
6. Describe your reply to the statement:  
“Most white people think black people are criminals, due to the media and politicians like Bush SR (Willie Horton).”
7. How would you respond to the statement:  
“It seems like “the door of opportunity” is closing for Afro Americans, but not prison doors. ”
8. How would you respond to the statement:  
“The media has even made me afraid of young black males.”

APPENDIX D  
INMATE INTERVIEWS

Interview with R.S. (January, 2008)

Age: 29

Incarcerations: 1

Education: High school graduate

Crime committed: Assault with deadly weapon

1. Do you think Blacks are criminalized?

No!

2. Do you think race was an issue in your incarceration/arrest, if yes, why?

No!

3. If you had a court appointed attorney, do you think they helped or hurt your case?

I think my attorney could of did more in my case. So in a way I believe he could of helped more.

4. Was your jury diverse (blacks and/or Hispanics on the jury)?

No jury! Plea bargain, took a deal.

5. Do you think you were treated fairly by the justice system?

I think I was treated pretty fairly by the justice system.

6. Have you participated in programs/classes that will help you when you are released?

Yes, vocational auto body, Coastland College courses and CDF training (California Dept of Forestry).

7. What must you change about yourself to avoid future arrest?

I will have to stay more motivated, stay in church, and keep a positive attitude, and out-look on life.

8. Do you think the system makes it hard to survive?

No!

9. Do you have a plan to stay out of prison?

Yes! Work, school, and go to the gym, and church, as well as concentrate on family.

10. Do you have a support system (family, friends, and/or community)?

Yes. Family, and community resources .

Further impute: None

Interview with R.V. (January, 2008)

Age: 37

Incarcerations: 2

Education: High school graduate, 2 years college/Bachelor Degree major  
(marketing/sales).

Crime committed: Unlawful use of motor vehicle. 2<sup>nd</sup> degree for disregard for public  
safety.

1. Do you think Blacks are criminalized? No!
2. Do you think race was an issue in your incarceration/arrest, if yes, why?  
No!
3. If you had a court appointed attorney, do you think they helped or hurt your  
case?  
Yes. Help my case.
4. Was your jury diverse (blacks and/or Hispanics on the jury)?  
No jury! Took a plea bargain.
5. Do you think you were treated fairly by the justice system?  
No. Due to my prior past, they used that against me. Which left me with no  
options.
6. Have you participated in programs/classes that will help you when you are  
released?  
Yes, I participated in substance abuse programs to better understand my

character defects.

7. What must you change about yourself to avoid future arrest?

I need to care more about my well being for my future. In order to stay out and live a productive life.

8. Do you think the system makes it hard to survive?

Yes. The system offers very little help and options to succeed in staying out of jails and institutions.

9. Do you have a plan to stay out of prison?

Yes! I plan to return to work, as well as re-open up my business.

10. Do you have a support system (family, friends, and/or community)?

Yes. Family, friends and community, will help me to have a good solid start coming out of here. As well as helping guide me in the right direction.

Further impute: I think what happens to most people that comes and goes in prison is that it becomes a pattern that they become accustomed to. It was my insecurities that were my weakness. I am now very confident in those areas where I was once weak.

Interview with B. C. (January, 2008)

Age: 39

Incarcerations: 3

Education: GED; Trade (File/Data entry clerk).

Crime committed: Possession for sales; Resident burglary.

1. Do you think Blacks are criminalized?

Yes! I believe two blacks are most likely to get pulled over than two whites.

2. Do you think race was an issue in your incarceration/arrest, if yes, why?

No!

3. If you had a court appointed attorney, do you think they helped or hurt your case?

No! He did not do the job that I wanted him to do when he represented my me.

4. Was your jury diverse (blacks and/or Hispanics on the jury)?

Took a plea bargain. No. Jury!

5. Do you think you were treated fairly by the justice system?

No, I feel that blacks get much longer sentences for the same crimes that are committed by whites.

6. Have you participated in programs/classes that will help you when you are released?

No, I haven't been to or participated in any classes or programs.

7. What must you change about yourself to avoid future arrest?

I have to change my way of thinking, and need to go to work.

8. Do you think the system makes it hard to survive?

Yes. I believe the system is designed to tear apart the black family and divide as well as conquer.

9. Do you have a plan to stay out of prison?

Yes! Go to work and stay out of the street.

10. Do you have a support system (family, friends, and/or community)?

Yes! Family (place to stay, transportation, ect.), to help jump start my life upon release.

Further impute: None

Interview with A. J. (January, 2008)

Age: 39

Incarcerations: 3

Education: High school dropout (11<sup>th</sup> grade)

Crime committed: Armed robbery/burglary and auto theft

1. Do you think Blacks are criminalized?

I believe blacks are criminalized when in here. The police are quick to harass Blacks and other races of color before they do whites.

2. Do you think race was an issue in your incarceration/arrest, if yes, why?

Yes, I think my skin color played a big roll in my arrest and incarceration. I was even denied a line up. The police and DA said that there is no need for one. I was picked out of a picture line up, but there was no proof even if there was a picture line up.

3. If you had a court appointed attorney, do you think they helped or hurt your case?

Yes! My lawyer hurt my case, because he kept telling me to take a deal, when I asked him to stop asking me to do so. He acted more like the DA, than my attorney.

4. Was your jury diverse (blacks and/or Hispanics on the jury)?

I had no jury. My back was against the wall. I had no witnesses on my behalf. So it was my word against the police report, and who do you think

the court is going to believe? So I took the deal for 10 years, at 80% to serve on my sentence.

5. Do you think you were treated fairly by the justice system?

All my life I feel I've been treated unfair by the system.

6. Have you participated in programs/classes that will help you when you are released?

No, because the ones I want they do not have. But I do currently practice for my GED.

7. What must you change about yourself to avoid future arrest?

I have to work on my patience and anger problem.

8. Do you think the system makes it hard to survive?

Hell yeah! The system was made to keep a foot on our neck as black people.

9. Do you have a plan to stay out of prison?

Yes! I plan on going to enroll in a trade school, that has job placement upon graduation and staying with my folks until I get on my feet.

10. Do you have a support system (family, friends, and/or community)?

Yes, I have a good support system, and moral support system through my immediate family and church family.

Further impute: None

Interview with T.A. (January, 2008)

Age: 44

Incarcerations: 2

Education: High School Graduate

Crime committed: Robbery (2) 2<sup>nd</sup> degree

1. Do you think Blacks are criminalized?

Yes, because of our oppressed state in all areas of society. No economic stronghold or authentic/healthy family or community relations.

2. Do you think race was an issue in your incarceration/arrest, if yes, why?

As to the commitment of said crime(s) no, but in the dispersion of time for crime yes.

3. If you had a court appointed attorney, do you think they helped or hurt your case?

I believe he tried to help but as far as putting together a proper defense he was negligent.

4. Was your jury diverse (blacks and/or Hispanics on the jury)?

The majority were white with three Blacks (2 male, 1 female).

5. Do you think you were treated fairly by the justice system?

Definitely no, because my constitutional rights to due process were jeopardized by my being shackled in front of the jury which was ruled on appeal as a harmless error.

6. Have you participated in programs/classes that will help you when you are released?

I have attended useless vocations that I would not be interested in pursuing once released. The knowledge is appreciated. I believe our mental and emotional (spiritual) mechanisms need to be addressed.

7. What must you change about yourself to avoid future arrest?

I've grown into the knowledge that in order to stay free of prison I must become free from the shackles of alcohol, drugs, reckless living, self-centeredness to name a few.

8. Do you think the system makes it hard to survive?

This system is flawed and majorly corrupt. It is a business through and through. The constitution states plainly= Legalized slavery.

9. Do you have a plan to stay out of prison?

Yes I do. Job first no matter how many doors close. I will disclose my Record honestly. No more chemical usage. Don't need it. It used to be cool for me now it's a downfall. So much to make up for to family. I choose to be confident as opposed to flamboyant.

10. Do you have a support system (family, friends, and/or community)?

Family has always been there even in anger or resentment. They love me and only want the best for me.

Further impute: None

Interview with P.A. (January, 2008)

Age: 56

Incarcerations: 14

Education: High school graduate, 2 years college, trades: Building maintenance, transportation.

Crime committed: Grand theft; burglary; possession, petty with prior, etc.

1. Do you think Blacks are criminalized?  
No! No more than anyone else.
2. Do you think race was an issue in your incarceration/arrest, if yes, why?  
No!
3. If you had a court appointed attorney, do you think they helped or hurt your case?  
Yes. They helped my case at this time.
4. Was your jury diverse (blacks and/or Hispanics on the jury)?  
Plea bargain. (took a deal) No jury.
5. Do you think you were treated fairly by the justice system?  
No. The degrees of the crime that I committed did not warrant the time I received for doing it.

6. Have you participated in programs/classes that will help you when you are released?  
Yes, NA, & AA, and a class called "Breaking Barriers."
7. What must you change about yourself to avoid future arrest?  
Leave drugs alone, as well as get help for my drug addiction and stay away from criminal activity.
8. Do you think the system makes it hard to survive?  
Yes. Once you have a criminal history it's hard to revert back into, or adjust back into main stream society.
9. Do you have a plan to stay out of prison?  
Yes! I am going back to college to get a degree in drug counseling and work in the recovery field.
10. Do you have a support system (family, friends, and/or community)?  
No. Not at this moment. I have no support system.

Further impute: None

Interview with T. V. (January, 2008)

Age 45

Incarcerations: 5 (plus several “stints” as a juvenile).

Education: High school graduate, 1 year college, and trade (masonry), all accomplished while incarcerated.

Crime committed: Petty theft with prior

1. Do you think Blacks are criminalized?

In almost all cases yes, because I always see the difference in treatment when pulled over by the police, when one is black, and not white.

2. Do you think race was an issue in your incarceration/arrest, if yes, why?

Yes! Again here is what I see my being black and poor makes me a target for being mistreated by the Justice System. So yes there is a lot of racial profiling.

3. If you had a court appointed attorney, do you think they helped or hurt your case?

Yes! I believe my court appointed attorney had hurt my case, because she didn't even try to pretend to help me get out.

4. Was your jury diverse (blacks and/or Hispanics on the jury)?

I didn't have a jury. I was basically forced to take the deal (Plea bargain).

5. Do you think you were treated fairly by the justice system?

No! I think the justice system almost always shows favoritism to whites. If you're black, you'd better have money to get out or win your case.

6. Have you participated in programs/classes that will help you when you are released?

Yes! I've been to SAP (Substance Abuse Program), and to self help classes.

7. What must you change about yourself to avoid future arrest?

I have to be more responsible, get a job, and become a better man than I have been in my past.

8. Do you think the system makes it hard to survive?

Yes! Why of course. I believe the way the system is now, it is made to make one keep coming back to prison.

9. Do you have a plan to stay out of prison?

Yes! I plan on getting employment as well as work on my patience each and every day. I will also start my own DJ business.

10. Do you have a support system (family, friends, and/or community)?

Yes! My family and friends are my rock, in which I can depend on to help get me started.

Further impute:

There are a whole lot of injustices that goes on when we complete our sentences, i.e., restitutions, finances, everything is extreme and harsh. But when out in society there is no excuses because convicts have lots of programs.

Interview with Prisoner: Lovail D. (January, 2008)

Age: 30

Incarcerations: Every year since 1990

Education: Graduated 12<sup>th</sup> grade from Cal. Youth Authority

Crime committed: Assaults/Robberies/Possession for sales of Cocaine.

1. Do you think Blacks are criminalized?

Yes and no. I think it depends on the age of the person, and how they dress, and what part of the community they live in.

1. Do you think race was an issue in your incarceration/arrest, if yes, why?

No, the police know me and know I stay breaking the law, so they stay harassing me until I finally slip up and they catch me.

2. If you had a court appointed attorney, do you think they helped or hurt your case?

I had a court appointed one and she didn't do nothing I couldn't have done for myself.

3. Was your jury diverse (blacks and/or Hispanics on the jury)?

I took a plea bargain.

4. Do you think you were treated fairly by the justice system?

No, I was placed on the highest security yard when I haven't had no violence in over 10 years.

6. Have you participated in programs/classes that will help you when you are released?

No, I've done already every class just about that they have.

7. What must you change about yourself to avoid future arrest?

I had the fortunate but unfortunate chance this time in prison to be in a cell with my father. And being with him and getting to know him, helps me find my own identity. It starts with identity. Once you're sure of who you are and where you want to go in life, this change of mind frame brings about a change in behavior and character. I think we have to change or find our identity.

8. Do you think the system makes it hard to survive?

No, we made it hard for ourselves period.

9. Do you have a plan to stay out of prison?

Most definitely. I was caught up in gang life, which is everything in the streets, fast money and women. I learned two things you're going to do either free or in prison, is work and obey the rules. I got a friend of the family that is a supervisor at the oil refinery that's going to give me a job.

10. Do you have a support system (family, friends, and/or community)?

My family is a hard working family that own several businesses in my Community and is always willing to help me if I'm doing the right thing.

Further impute: None

APPENDIX E:  
2010 US CENSUS

**9. What is Person 1's race? Mark  one or more boxes.**

White

Black, African Am., or Negro

American Indian or Alaska Native — *Print name of enrolled or principal tribe.* ↗

Asian Indian       Japanese       Native Hawaiian

Chinese       Korean       Guamanian or Chamorro

Filipino       Vietnamese       Samoan

Other Asian — *Print race, for example, Hmong, Laotian, Thai, Pakistani, Cambodian, and so on.* ↗

Other Pacific Islander — *Print race, for example, Fijian, Tongan, and so on.* ↗

Some other race — *Print race.* ↗

Asked since 1790. Race is key to implementing many federal laws and is needed to monitor compliance with the Voting Rights Act and the Civil Rights Act. State governments use the data to determine congressional, state and local voting districts. Race data are also used to assess fairness of employment practices, to monitor racial disparities in characteristics such as health and education and to plan and obtain funds for public services.

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