



RACE & CRIME

SHAUN L. GABBIDON
HELEN TAYLOR GREENE

5e



RACE AND CRIME

Fifth Edition

*For my loving parents, Daphne and Patrick Gabbidon, who
continue to be supportive of all my endeavors.*

—SLG

*To my mother, the late Helen Louise Norton Powell, who always
encouraged, supported, and loved boasting about my scholarship.*

—HTG

Sara Miller McCune founded SAGE Publishing in 1965 to support the dissemination of usable knowledge and educate a global community. SAGE publishes more than 1000 journals and over 800 new books each year, spanning a wide range of subject areas. Our growing selection of library products includes archives, data, case studies and video. SAGE remains majority owned by our founder and after her lifetime will become owned by a charitable trust that secures the company's continued independence.

Los Angeles | London | New Delhi | Singapore | Washington DC | Melbourne

RACE AND CRIME

Fifth Edition

Shaun L. Gabbidon

Penn State Harrisburg

Helen Taylor Greene

Texas Southern University



Los Angeles | London | New Delhi
Singapore | Washington DC | Melbourne



FOR INFORMATION:

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

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

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

SAGE Publications Asia-Pacific Pte. Ltd.
3 Church Street
#10-04 Samsung Hub
Singapore 049483

Acquisitions Editor: Jessica Miller
Content Development Editor: Adeline Wilson
Editorial Assistant: Rebecca Lee
Production Editor: Bennie Clark Allen
Copy Editor: Karen E. Taylor
Typesetter: C&M Digital (P) Ltd.
Proofreader: Eleni Maria Georgiou
Indexer: Jean Casalegno
Cover Designer: Candice Harman
Marketing Manager: Amy Lammers

Copyright © 2019 by SAGE Publications, Inc.

All rights reserved. No part of this book may be reproduced or utilized in any form or by any means, electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system, without permission in writing from the publisher.

Printed in the United States of America

Library of Congress Cataloging-in-Publication Data

Names: Gabbidon, Shaun L., 1967- author. | Greene, Helen Taylor, 1949- author.

Title: Race and crime / Shaun L. Gabbidon, Pennsylvania State University, Helen Taylor Greene, Texas Southern University.
Other titles: Race & crime

Description: Fifth Edition. | Thousand Oaks : SAGE Publications, [2018] | Revised edition of the authors' Race and crime, [2016] | Includes bibliographical references and index.

Identifiers: LCCN 2018015654 | ISBN 9781544334233
(pbk. : alk. paper)

Subjects: LCSH: Crime and race—United States. | Criminal justice, Administration of—United States. | Discrimination in criminal justice Administration—United States. | Minorities—United States.

Classification: LCC HV6197.U5 G23 2018 | DDC 364.973089—dc23
LC record available at <https://lcn.loc.gov/2018015654>

This book is printed on acid-free paper.

18 19 20 21 22 10 9 8 7 6 5 4 3 2 1

BRIEF CONTENTS

Preface to the Fifth Edition	xv
Acknowledgments	xxi
About the Authors	xxiii
CHAPTER 1 • Overview of Race and Crime	1
CHAPTER 2 • Extent of Crime and Victimization	43
CHAPTER 3 • Theoretical Perspectives on Race and Crime	77
CHAPTER 4 • Policing	119
CHAPTER 5 • Courts	165
CHAPTER 6 • Sentencing	207
CHAPTER 7 • The Death Penalty	245
CHAPTER 8 • Corrections	279
CHAPTER 9 • Juvenile Justice	321
Conclusion	363
Appendices	368
Glossary	380
References	388
Index	446

DETAILED CONTENTS

Preface to the Fifth Edition	xv
Acknowledgments	xxi
About the Authors	xxiii
CHAPTER 1 • Overview of Race and Crime	1
Race, DNA, Criminal Justice Databases, and Civil Rights Concerns	3
► IN FOCUS 1.1: <i>Maryland v. King</i>	4
Race, Ethnicity, and the U.S. Population in 2015	5
Race, Ethnicity, and Population Trends	8
Terminological Preferences	8
Prejudice, Discrimination, and Implicit Bias	9
Historical Antecedents of Race and Crime in America	10
Native Americans	10
African Americans	12
► IN FOCUS 1.2: The 10 Precepts of American Slavery Jurisprudence	15
White Ethnics	22
German Americans	23
Italian Americans	24
Irish Americans	25
Jewish Americans	27
Arab Americans	29
Latino Americans	30
Mexicans	30
► RACE AND CRIME IN THE MEDIA 1.1: What Do We Know About Illegal Immigrants From Mexico?	32
Puerto Ricans	33
A Brief Note on Other Latino Americans	34
Asian Americans	34
Chinese Americans	34
Japanese Americans	36
Filipinos and Koreans	37
Asian Indians	38
► BOTH SIDES OF THE DEBATE 1.1: Asian Americans and the “Model Minority” Label	39

Conclusion	40
Discussion Questions	41
Internet Exercises	41
Internet Sites	42

CHAPTER 2 • Extent of Crime and Victimization 43

History of Crime and Victimization Statistics in the United States	47
► BOTH SIDES OF THE DEBATE 2.1: Should Race and Ethnicity Categories be Excluded From Crime Statistics?	48
The Uniform Crime Reporting Program	49
Victimization Surveys	51
Limitations of Arrest and Victimization Data	52
Definitions of Racial Categories	52
Variations in Reporting and Recording	54
Utilization of Population, Crime, Arrest, and Victimization Estimates	55
Arrest Trends	55
Victimization Trends	59
► IN FOCUS 2.1: Domestic Violence and Interpersonal Violence Victimization	60
► IN FOCUS 2.2: Race and Human Trafficking	65
Homicide Victimizations	66
Hate Crime Trends	67
► RACE AND CRIME IN THE MEDIA 2.1: Package Bombings That Killed 2 Seen as Possible Hate Crime in State Where Hate Crimes Underreported: Experts	73
Conclusion	74
Discussion Questions	75
Internet Exercises	76
Internet Sites	76

CHAPTER 3 • Theoretical Perspectives on Race and Crime 77

► BOTH SIDES OF THE DEBATE 3.1: Are There Racial Differences in Views on Crime Causation?	78
What Is Theory?	79
Biology, Race, and Crime	80
Early Developments in Biological Explanations	80
Recent Developments in Biological Explanations	81
Crime and Human Nature	81
Intelligence, Race, and Crime	82
Contemporary Biosocial Criminology and Race	83
r/K Selection Theory	83
John Wright's Biosocial Thesis on Race and Offending	84
Sociological Explanations	86

Early Sociological Explanations	86
Social Disorganization	87
Contemporary Social Disorganization Theory	88
Mass Incarceration and Social Disorganization	90
Collective Efficacy	90
Culture Conflict Theory	91
Strain or Anomie Theory	92
Limitations of the Strain or Anomie Theory	93
General Strain Theory	93
Subcultural Theory	95
The Subculture of Violence Theory	96
The Code of the Street	99
► RACE AND CRIME IN THE MEDIA 3.1: Is Crime in the Black Community Cultural or Is It the Product of Racial Bias?	100
The Code of the Suburb	102
Conflict Theory	103
Conflict Theory, Race, and Crime	103
► IN FOCUS 3.1: Walker, Spohn, and DeLone's (1996) Discrimination-Disparity Continuum	106
The Colonial Model	107
Integrated and Nontraditional Theories on Race and Crime	109
Structural-Cultural Theory	109
Abortion, Race, and Crime	110
Critical Race Theory	110
Theory of African American Offending	111
► BOTH SIDES OF THE DEBATE 3.2: Are Race-Neutral or Race-Specific Theories Better for Explaining Offending?	115
Conclusion	116
Discussion Questions	117
Internet Exercises	117
Internet Sites	117
CHAPTER 4 • Policing	119
Polling Data	120
Overview of Policing in America	122
► IN FOCUS 4.1: Do Racial/Ethnic Minority Police Officers Make a Difference?	124
Historical Overview of Race and Policing	125
Policing Native Americans	131
Policing African Americans	133
Policing Asian Americans	135
Policing Latinos	135
Policing White Immigrants	137

Contemporary Issues in Race and Policing	138
Police Deviance	139
Police Use of Deadly Force	140
► IN FOCUS 4.2: Police Deadly Confrontations	141
► BOTH SIDES OF THE DEBATE 4.1: Are Police Killings of Citizens Too High?	145
► RACE AND CRIME IN THE MEDIA 4.1: The Ferguson Civil Rights Investigations	147
Police Bias	151
Racial Profiling	152
► IN FOCUS 4.3: Seatbelt Laws and Pretextual Stops in Florida	153
“Veil-of-Darkness” Thesis	154
Stop and Frisk	155
Traffic-Safety Stops vs. “Investigatory Stops”	156
Consent Searches	158
Immigration and Policing	158
Public Opinion on Immigration	162
Conclusion	162
Discussion Questions	163
Internet Exercises	163
Internet Sites	163

CHAPTER 5 • Courts 165

Overview of American Courts: Actors and Processes	166
A Note on the Philosophy, Operation, and Structure of Native American Courts	167
Historical Overview of Race and the Courts in America	170
Native Americans	170
African Americans	171
Latinos	172
Asian Americans	174
Contemporary Issues in Race and the Courts	174
Bail and the Pretrial Process	174
Scholarship on Race/Ethnicity, Bail, and Pretrial Release	182
Legal Counsel	185
Defense Counsel	185
► IN FOCUS 5.1: Ten Principles of a Public Defense Delivery System	187
Plea Bargaining	188
Jury Selection	190
Voir Dire	191

► BOTH SIDES OF THE DEBATE 5.1: Eliminate Peremptory Challenges	194
Backstrikes	194
► IN FOCUS 5.2: Equal Justice Initiative: Recommendations to Reduce Bias in the Jury Selection Process	195
Jury Nullification	197
Drug Courts	199
Structure and Philosophy of Drug Courts	199
Court Structure	199
Court Philosophy	200
Effectiveness of Drug Courts	200
The Opioid Crisis	202
► RACE AND CRIME IN THE MEDIA 5.1: The Opioid Epidemic Has Now Reached Black America: Drug Overdose Deaths Are Skyrocketing Among Black Americans	204
Conclusion	205
Discussion Questions	205
Internet Exercises	205
Internet Sites	206
 CHAPTER 6 • Sentencing	 207
Sentencing Philosophies	208
Sentencing and Politics	208
Historical Overview of Race and Sentencing	209
Punishment in Colonial America	209
Early Colonial Cases	210
Crime and Justice in Colonial New York	213
Early National Sentencing Statistics	214
The 1980s to 2000s: The Changing Nature of Sentencing Practices	218
The “War on Drugs”	219
Contemporary Issues in Race and Sentencing	221
Felony Convictions in State Courts	223
Convictions in Federal Courts	224
Scholarship on Race and Sentencing	227
Zatz’s Four Waves of Race and Sentencing Research	227
Race and Sentencing Research Post-Zatz	228
Race and Misdemeanor Sentencing	232
Sentencing Disparities and the “War on Drugs”	234
Minority Judges	237
Do Minority Judges Make a Difference?	239
► RACE AND CRIME IN THE MEDIA 6.1: Minority Judicial Nominations by Trump Would Pose Political Dilemmas for Democrats	240

Conclusion	241
Discussion Questions	242
Internet Exercises	243
Internet Sites	243

CHAPTER 7 • The Death Penalty 245

Historical Overview of Race and the Death Penalty	245
► IN FOCUS 7.1: Slave-Era Capital Crimes and Slave Owner Compensation in Virginia, 1774–1864	246
Significant Death Penalty Cases	249
The Peach State and the Foundational Death Penalty Cases	249
McCleskey v. Kemp	252
► RACE AND CRIME IN THE MEDIA 7.1: North Carolina Supreme Court Vacates Racial Justice Act Decisions	255
Current Statistics on the Death Penalty	256
State Death Penalty Statistics	256
Federal Death Penalty Statistics	257
► BOTH SIDES OF THE DEBATE 7.1: Should Major Opioid Drug Dealers Get the Death Penalty?	258
Scholarship on Race and the Death Penalty	259
Hispanics and the Death Penalty	260
Substitution Thesis/Zimring Analysis	260
Public Opinion and the Death Penalty	263
Race and Support for the Death Penalty	264
The Marshall Hypotheses	266
Contemporary Issues in Race and the Death Penalty	268
Capital Jury Project	268
Wrongful Convictions	269
Current State of Wrongful Convictions	271
Addressing Wrongful Convictions in the 21st Century	271
Death Penalty Moratorium Movement	273
Judicial Overrides in Death Penalty Sentencing	275
Conclusion	276
Discussion Questions	276
Internet Exercises	276
Internet Sites	277

CHAPTER 8 • Corrections 279

► BOTH SIDES OF THE DEBATE 8.1: Corrections vs. Education: Where Should We Invest?	280
Overview of American Corrections	282
Public Opinion on Corrections	283

Historical Overview of Race and Corrections	284
Early History of Race and Corrections	284
Race and Corrections in the 1800s	286
Early National Prison Statistics	288
Black Muslims, the Black Panther Party, Political Prisoners, and the Prisoners' Rights Movement	290
Prison Gangs	292
Prevalence and Racial/Ethnic Backgrounds of Prison Gangs	292
Race and Prison Gang Activity	293
Contemporary State of Corrections	296
Incarceration: State and Federal Prisons	296
Jails	296
Probation and Parole	302
► RACE AND CRIME IN THE MEDIA 8.1: Five Myths About Incarceration	304
Contemporary Issues in Race and Corrections	306
Explaining Racial Disparities in Corrections	306
Blumstein's Pioneering Work	306
Racial Disparities in Corrections Scholarship	307
Prisoner Reentry Concerns	311
Felon Disenfranchisement	315
Conclusion	319
Discussion Questions	320
Internet Exercises	320
Internet Sites	320
CHAPTER 9 • Juvenile Justice	321
Overview of Juvenile Justice	322
Historical Overview of Race and Juvenile Justice	325
The Child Savers	326
Juvenile Courts	328
Race, Juvenile Crime, and Victimization	330
► IN FOCUS 9.1: School Shootings: The Invisible Perpetrators	334
Youth in the Juvenile Justice System	337
► BOTH SIDES OF THE DEBATE 9.1: Should Affluenza Be Allowed as a Mitigating Circumstance in Cases Involving Juveniles?	343
Contemporary Issues in Juvenile Justice	346
Disproportionate Minority Contact (DMC)	346
The Future of DMC	349
The School-to-Prison Pipeline (SPP)	350
Minority Female Delinquency	351

Race and Life Without Parole Sentences for Juveniles	354
Delinquency Prevention	358
Conclusion	360
Discussion Questions	361
Internet Exercises	361
Internet Sites	361
Conclusion	363
Appendices	368
Glossary	380
References	388
Index	446

PREFACE TO THE FIFTH EDITION

“Justice is Blind” represents the basic motto and principle of our criminal justice system. It symbolizes equity in the administration of justice and represents our basic rights in a free society.

For many in the minority community, however, society is not that free and justice is far from blind. Justice in many cases has perfect 20/20 vision that distinguishes people on the basis of race, ethnicity, gender, religious beliefs and social and economic status.

**—National Organization of Black Law
Enforcement Executives (2001, p. 4)**

Welcome to the fifth edition of *Race and Crime*. We are excited that the first four editions were positively received by students and instructors and that—for more than a decade—this book continues to be one of the standard texts used in courses related to race, ethnicity, and crime. For this edition, we have updated each chapter and also devoted attention to the increasing societal focus on racial bias in police encounters and immigration. As in the earlier editions, we provide information on crime and justice trends in the appropriate chapters. We have also included critical thinking questions and policy-oriented boxes in each chapter. There are also discussion questions, a listing of key Internet sites, as well as Internet exercises at the end of each chapter. The numerous pedagogical approaches provide students with an opportunity to reflect on historical and contemporary issues and familiarize themselves with relevant information available. This edition includes coverage of several timely topics, such as biosocial theory, violent victimizations, immigrant policing, and the school-to-prison pipeline.

Race and crime is a contemporary issue in many societies where there is a diverse population and racial and ethnic minorities (Bucarius & Tonry, 2014). Since the colonial era, race and crime in America have been inextricably linked; there has been a belief that minorities, especially Blacks, are more criminal. At first, support for this belief was the result of racist ideologies that labeled minorities as both “criminal” and “inferior.” More recently, support for this erroneous belief was based on the disproportionate number of racial and ethnic minorities who are arrested and imprisoned. After the 1960s, the

relationship between race and crime became more ambiguous as we learned about the role of justice practitioners and their use of discretion. Early in this century, as reported crime, arrests, and victimizations decrease, incarceration rates continue to be a concern.

The opening quotation captures the beliefs of many racial and ethnic minorities about justice in the United States in the past and present. Whites, who form the majority of the U.S. population, are less likely to believe there is discrimination in the administration of justice. Because the news media usually focus on persons who commit crimes, especially serious crimes like murder and rape, it is easy to lose sight of the fact that the majority of Americans, regardless of their race or ethnicity, are law-abiding citizens. It seems that we have just as easily lost sight of the historical context of race and crime in the United States. Why do racial minorities, most of whom are law-abiding citizens, continue to be labeled criminals? The study of race and crime has a long history in the discipline of criminology and the study of criminal justice. In the 19th century, positivist scholars (those who explained crime using biological, sociological, or psychological factors) deemed the physical characteristics of racial minorities and some White ethnics to be associated with crime (Gabbidon, 2015; Gabbidon & Taylor Greene, 2005).

Early criminology texts devoted whole chapters to race and crime, chapters that not only presented crime figures but also sought to explain the trends related to race and crime (Gabbidon & Taylor Greene, 2001). Interestingly, contemporary criminology textbooks do not devote as much attention to race and crime as did earlier texts (Gabbidon & Taylor Greene, 2001). Even many of the early textbooks omitted many important topics like slave patrols, lynching, race riots, and legal segregation, which often resulted in socially disorganized communities. More recently, despite a strong argument for studying race and crime put forth by LaFree and Russell (1993), only a handful of comprehensive books on this topic are available (Barak, Leighton, & Cotton, 2018; Gabbidon, 2015; Glynn, 2013; Mann, 1993; Moore, 2015; Tarver, Walker, & Wallace, 2002; Walker, Spohn, & DeLone, 2018).

Most of the early scholarly research on race that is available refers primarily to Blacks. This is due, at least in part, to the fact that until recently, Blacks were the largest minority group in the United States and therefore the most visible. It is also related to the (over) representation of Blacks in official data on crime and justice. Another important factor in the focus on Blacks probably has to do with their foray into higher education, especially into the discipline of criminology. Most majority scholars were uninterested in studying race and crime. Blacks, in contrast, were interested. Throughout the 20th century, even before the emergence of Black criminologists, many Black scholars at historically Black colleges and universities were studying Black issues, including crime (Taylor Greene & Gabbidon, 2000). It is only recently that other minorities have received increased attention. At the same time, Latinos are now the largest minority group and also have more scholars interested in race, ethnicity, and crime; as a result, much more research is being published on this group. This does not mean that other racial and ethnic groups have not been subjected to differential treatment in society and the administration of justice. It means that the historical record of their experiences is less complete. Notably, although interest in Latino and Native American crime has increased, the research on Asian Americans and crime is still limited.

Despite more research, books, and government documents about race and crime, we are still unable to explain and adequately address the continuous pattern of overrepresentation of some minorities in arrest and victimization statistics, corrections, persons under sentence of death, and juvenile delinquency. We believe that prior attempts to make sense of the disproportionate number of minorities in the administration of justice are incomplete because they fail to consider relevant historical information.

One of our goals in writing this book was to put the study of race and crime in a more complete historical context. This remains one of our key goals in this fifth edition. Another goal is to examine several contemporary issues relevant to understanding race and crime. To achieve these goals, we utilize a limited-systems approach to examine policing, courts, sentencing, the death penalty, and corrections in the past and the present. An additional chapter examines the juvenile justice system. We include an issues approach to focus on several contemporary challenges in the study of race and crime, including hate/bias crimes, immigration and crime, racial profiling, sentencing disparities, wrongful convictions, felon disenfranchisement, disproportionate minority confinement, minority female delinquency, juveniles and life without parole, the school-to-prison pipeline, and delinquency prevention. We include the major racial and ethnic groups in the United States—Asians, Blacks, Latinos/as, Native Americans, and Whites—although not as much information is available on all groups.

Various terms are used to refer to these groups. Some are the terms preferred in present-day usage, whereas others are also utilized to preserve their temporal context, especially in direct quotations. For example, you will see Blacks referred to as *Negroes*, *African Americans*, and *colored*; Native Americans referred to as *American Indians*; and Latinos referred to as *Hispanics*.

The book is divided into nine chapters that present historical details and contemporary information on both the administration of justice and related issues. Chapter 1 provides an overview of race and crime. It begins with a discussion of what many have referred to as the “invention of race.” It also provides an overview of race and DNA databases. The remainder of the chapter highlights the historical experiences of Native Americans, African Americans, White ethnics, Latino Americans, and Asian Americans. The chapter pays particular attention to how crime has intersected with each group’s experiences. Chapter 2 examines the extent of crime and victimization. It includes an overview of the history of the collection of crime data in the United States, a discussion of the limitations of crime statistics, the reported extent of crime and victimization for various racial groups, and analyses of homicide and hate crime victimization trends. Chapter 3 presents theoretical perspectives on race and crime and provides a discussion of biological, sociological, subcultural, and nontraditional theoretical perspectives, including the colonial model, counter-colonial criminology, the “Theory of African American Offending,” and the new “Code of the Suburb.”

Chapters 4 through 9 examine race and several key components of the administration of justice: police, courts, sentencing, the death penalty, corrections, and juvenile justice. An overview of policing in the United States is presented in Chapter 4. Minority employment data and an analysis of the history of race and policing are also presented. Contemporary issues presented in this chapter include police deviance, police use of

deadly force, police bias, racial profiling, and immigration and policing. Chapter 5 examines the history of race and the courts in America and how race impacts various facets of the American court system (e.g., bail, legal counsel, plea bargaining). A portion of the chapter also looks at the opioid crisis, while another examines the promise of drug courts.

Chapter 6 includes historical information and a comprehensive discussion of racial/ethnic disparities in sentencing. The chapter provides an overview of the sentencing process, along with a discussion of sentencing philosophies and contemporary issues related to race and sentencing including felony convictions in state and federal courts, race and sentencing scholarship, sentencing disparities tied to the war on drugs, and an examination of whether minority judges make a difference in the judiciary. Chapter 7 examines race and the death penalty. Following an overview of the history of the death penalty, the chapter examines key Supreme Court death penalty cases, statistics on the death penalty, scholarship on the death penalty, and also public opinion on the death penalty. Other contemporary issues discussed include the Capital Jury Project, wrongful convictions, and the death penalty moratorium movement. Chapter 8 provides a review of the history of corrections and discusses the overrepresentation of racial minorities in jails and prisons. The chapter also examines prison gangs, explanations for racial disparities in corrections, prisoner reentry concerns, and felon disenfranchisement.

The issue of race and juvenile justice is presented in Chapter 9. The chapter provides an overview of juvenile justice in the United States and the historical context of race effects in juvenile justice, an explanation of the extent of juvenile delinquency and victimization, and a discussion of several contemporary issues, including disproportionate minority confinement, minority female delinquency, the school-to-prison pipeline, life without parole, and delinquency prevention. The book ends with a concluding chapter that provides a brief reflection on the findings from the various chapters. This conclusion also discusses prospects for study and the future of race and crime.

Overall, as with prior editions of the text, we envision this one as an addition to the body of knowledge in the area of race and crime. With our historical emphasis, we hope those who read this work leave with an appreciation for the similar historical experiences of most American racial and ethnic groups. We also hope that readers will see how race and ethnicity have mattered and continue to matter in the administration of justice.

DIGITAL RESOURCES

An instructor teaching site at study.sagepub.com/gabbidon5e includes a test bank, PowerPoint® slides, teaching tips, sample syllabi, web resources, SAGE journal articles, and more.

- It's easy to log on to SAGE's password-protected Instructor Teaching Site at study.sagepub.com/gabbidon5e for complete and protected access to all text-specific instructor resources for *Race and Crime*, 5th edition. Simply provide your institutional information for verification and within 72 hours you'll be able to use your login information for any SAGE title!

Password-protected Instructor Resources include the following:

- A **Microsoft® Word test bank**, is available containing multiple choice, true/false, short answer, and essay questions for each chapter. The test bank provides you with a diverse range of pre-written options as well as the opportunity for editing any question and/or inserting your own personalized questions to assess students' progress and understanding.
- Editable, chapter-specific **Microsoft® PowerPoint® slides** offer you complete flexibility in easily creating a multimedia presentation for your course. Highlight essential content and features using these slides.
- **EXCLUSIVE!** Access certain full-text **SAGE journal articles** that have been carefully selected for each chapter. Each article supports and expands on the concepts presented in the chapter. Combine cutting-edge academic journal scholarship with the topics in your course for a robust classroom experience.
- **Teaching tips and chapter activities** help with preparation for lectures and class discussions.
- **Video and multimedia links** will appeal to students with different learning styles.

NEW TO THIS EDITION

The new edition includes many important updates to the scholarly research on race and crime, as well as key topics being explored. Some of these updates include:

- Updated data tables presenting crime and victimization trends, hate crime incidents, and juvenile crime/victimization put the study of race and crime in a more complete context for students.
- Chapter 1 features an expanded discussion of implicit bias to help students examine this important concept at the outset of the course.
- Chapter 2 includes an expanded discussion of hate crimes and race and human trafficking to demonstrate the extent of crime and victimization in these areas.
- Chapter 4 has important updates regarding policing and the use of force, the Black Lives Matter movement, the Blue Lives Matter movement, the need for diversity in law enforcement, traffic stops, and immigration and policing.
- The reality of racial bias in the court system has been expanded in Chapter 5 to include discussions of racial disparities in plea bargains and the backstrikes of potential jurors.

- Chapter 6 on sentencing has been updated to include the Trump administration's stance on both the "War on Drugs" and judicial appointments. Additional discussions on drug courts and on cumulative disadvantage as a factor in the sentencing process have also been added.
- Expanded discussions of wrongful convictions and intersectionality in death penalty decisions enhance Chapter 7.
- Important topics such as life after prison and the impact of felony disenfranchisement on minorities help contextualize the discussion of corrections in Chapter 8.
- The important topic of school shootings is included as an essential update to the discussion of juveniles in Chapter 9.

ACKNOWLEDGMENTS

There are numerous individuals who have assisted us in the completion of this project. First, we would like to express our appreciation to our editor, Jessica Miller, for her support and encouragement. We especially thank Rebecca Lee, Bennie Clark Allen, Karen Taylor, Adeline Wilson, and the entire SAGE team for their assistance in the completion of this manuscript.

We thank the following original reviewers for their constructive comments and suggestions that produced a well-received first edition: Mary Atwell, Radford University; Stephanie Bush-Baskette, Rutgers-Newark University; Charles Crawford, Western Michigan University; Alex del Carmen, University of Texas Arlington; Roland Chilton, University of Massachusetts, Amherst; Martha L. Henderson, The Citadel; D. Kall Loper, University of North Texas; Mike Males, University of California, Santa Cruz; Michael A. McMorris, Comstock Park, MI; Karen Parker, University of Delaware; Charles Reasons, Central Washington University; Katheryn Russell-Brown, University of Florida; Adina Schwartz, John Jay College of Criminal Justice; Susan F. Sharp, University of Oklahoma; Shirley Williams, New Jersey City University; Bill Wells, Southern Indiana University; and Ernest Uwazie, California State University, Sacramento.

For the second edition, we thank the following reviewers who provided great suggestions to improve the text: Tony Barringer, Florida Gulf Coast University; Dawn Beicher, Illinois State University; Lorenzo Boyd, Fayetteville State University; Roland Chilton, University of Massachusetts, Amherst; Ben Fleury-Steiner, University of Delaware; Kareem Jordan, University of Central Florida; Peter C. Kratcoski, Kent State University; Everette Penn, University of Houston, Clear Lake; Carolyn Petrosino, Bridgewater State College; Robert Sigler, University of Alabama; and Ernest Uwazie, California State University, Sacramento.

The following reviewers provided useful suggestions for the third edition: Jonathon A. Cooper, Arizona State University; Francisco J. Alatorre, Arizona State University; Tony A. Barringer, Florida Gulf Coast University; Francis M. Williams, Plymouth State University; Christine Martin, University of Illinois at Chicago; Peter C. Kratcoski, Kent State University; Stephanie R. Bush-Baskette, Rutgers University; Tara N. Tripp, Temple University; Ernest Uwazie, California State University, Sacramento; and Patricia Warren, Florida State University.

We are thankful for the comments from the following reviewers who assisted us with the fourth edition: Francisco J. Alatorre, New Mexico State University; Tim Berard, Kent State University; Katy Cathcart, MCJ; Matasha L. Harris, Bowie State University; Dana J. Hubbard, Cleveland State University; Chenelle A. Jones, Ohio Dominican University; Mia Ortiz, Bridgewater State University; Tim Robicheaux, Pennsylvania

State University; Ruth Thompson-Miller, University of Dayton; John R. Turner, Washington State University; Francis M. Williams, Plymouth State University.

The following reviewers provided feedback that helped improve this edition: Robbin Day Brooks, Arizona State University's School of Criminology & Criminal Justice; Dr. Mercedes Valadez, California State University Sacramento; Dr. Patrick McGrain, Gwynedd Mercy University; Mari B. Pierce, Penn State University Beaver; Dr. Dani A. Smith, Fisk University; Katy Cathcart, University of Colorado—Colorado Springs.

Professor Gabbidon would like to thank his family for their continued encouragement and support. At Penn State, he would like to thank the former director of Penn State Harrisburg's School of Public Affairs, Steven Peterson, who provided the supportive environment in which this text was originally conceived and produced. Dr. Susannah Gal, Associate Dean of Research at Penn State Harrisburg, is also thanked for providing book subvention funds for copyright expenses. During the completion of the five editions of this work, the assistance of several research assistants proved invaluable. Specifically, Nora Carerras, Nancy McGee, Patricia Patrick, Leslie Kowal, Matthew Nelson, and Grace Monjardo are acknowledged for their contributions. My son, Jini Gabbidon, is acknowledged for his efforts organizing the references into one file. Finally, Dr. Gabbidon would like to acknowledge his mentor and intellectual partner, Dr. Helen Taylor Greene, for her continued guidance and support.

Dr. Greene would like to thank her family for their continuing support and appreciation of her scholarly endeavors. She thanks Dr. Gabbidon for his dedication to the completion of this edition. She believes he is the foremost race and crime scholar in the United States and also is well known in the African diaspora. She also thanks her former colleagues and students in the Barbara Jordan–Mickey Leland School of Public Affairs at Texas Southern University, as well as colleagues elsewhere, for their support.

ABOUT THE AUTHORS

Shaun L. Gabbidon, PhD, is Distinguished Professor of Criminal Justice at Penn State Harrisburg. Professor Gabbidon has served as a fellow at Harvard University's W. E. B. Du Bois Institute for Afro-American Research and has taught at the Center for Africana Studies at the University of Pennsylvania. The author of more than 100 scholarly publications, including more than 60 peer-reviewed articles and 11 books, including *Criminological Perspectives on Race and Crime* (3rd ed., 2015, Routledge) and the coauthored work *A Theory of African American Offending* (2011, Routledge). He is the coeditor of the forthcoming book *Building a Black Criminology: Race, Theory, and Crime*. Dr. Gabbidon can be contacted at slg13@psu.edu.

Helen Taylor Greene, PhD, is a former professor in the Department of Administration of Justice in the Barbara Jordan–Mickey Leland School of Public Affairs at Texas Southern University. She is an author, coauthor, and coeditor of numerous articles, book chapters, and books. She is the recipient of many awards for her contributions to the study of race and crime, including the 2014 W. E. B. Du Bois Award from the Western Society of Criminology. Dr. Taylor Greene can be contacted at greenegt@outlook.com.

OVERVIEW OF RACE AND CRIME

Because skin color is socially constructed, it can also be reconstructed. Thus, when the descendants of the European immigrants began to move up economically and socially, their skins apparently began to look lighter to the whites who had come to America before them. When enough of these descendants became visibly middle class, their skin was seen as fully white. The biological skin color of the second and third generations had not changed, but it was socially blanched or whitened.

—Herbert J. Gans (2005)

At a time when the United States is more diverse than ever, with the minority population topping 100 million (one in every three U.S. residents; U.S. Census Bureau, 2010), the notion of **race** seems to permeate almost every facet of American life. Certainly, one of the more highly charged aspects of the race dialogue relates to crime. Before embarking on an overview of race and crime, we must first set the parameters of the discussion, which include relevant definitions and the scope of our review. When speaking of race, it is always important to remind readers of the history of the concept and some current definitions.

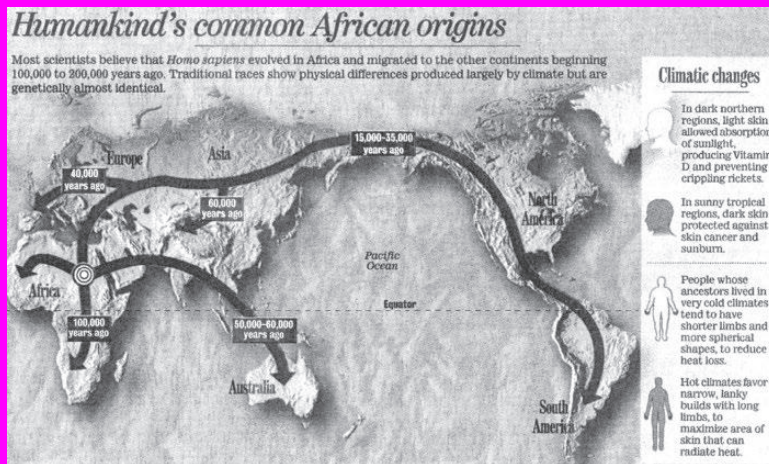
The idea of race originated 5,000 years ago in India, but it was also prevalent among the Chinese, Egyptians, and Jews (Gossett, 1963). Although François Bernier (1625–1688) is usually credited with first classifying humans into distinct races, Carolus Linnaeus (1707–1778) invented the first system of categorizing plants and humans. It was, however, Johann Friedrich Blumenbach (1752–1840) who developed the first taxonomy of race. In his 1795 work, “On the Natural Variety of Mankind,” Blumenbach separated the inhabitants of the earth into five races: Ethiopian (African or Negroid),

Mongolian (Asian), American (Native American), Malaysian (Pacific Islander), and Caucasian (Feagin & Booher Feagin, 2012). When categorizing the fifth group, Whites, Blumenbach coined the term *Caucasian*. Relying on Blumenbach's work, European scholars created a categorization that led to the belief that the differences among the groups were biological—and from the beginning Europeans placed themselves at the apex of the racial hierarchy (Anderson, 2017). It is widely accepted that the biological differences among racial groups are attributable to the patterns of their migration out of Africa (Dulaney, 1879; Shane, 1999; see Figure 1.1).

Today, social scientists refer to race as a “social construct.” Gallagher (1997) writes that “race and ethnicity are social constructions because their meanings are derived by focusing on arbitrary characteristics that a given society deems socially important. Race and ethnicity are social products based on cultural values; they are not scientific facts” (p. 2). Another relevant definition has been provided by Flowers (1988): “Race . . . refers to a group of persons characterized by common physical and/or biological traits that are transmitted in descent” (p. xiv). Finally, the U.S. Census Bureau (2000) has added the following:

The concept of race . . . reflects self-identification by people according to the race or races with which they most closely identify. These categories are sociopolitical constructs and should not be interpreted as being scientific or anthropological in nature.

Figure 1.1 Migration Patterns Out of Africa



Source: Copyright 1999 by BALTIMORE SUN COMPANY. Reproduced with permission of BALTIMORE SUN COMPANY in the format Textbook via Copyright Clearance Center.

Thus, there is no shortage of definitions that refer to race as a social construct. Increasingly, though, scholars—relying on scientific discoveries in the natural sciences—are beginning to challenge the notion of race as a social construct (Ellis, 2017; Sesardic, 2010; J. P. Wright, 2009).

RACE, DNA, CRIMINAL JUSTICE DATABASES, AND CIVIL RIGHTS CONCERNS

Criminal justice investigations involving the use of DNA evidence have challenged the notion that there are no distinguishable biological differences between races (Williams & Johnson, 2008). In fact, criminal investigators have relied on DNA to identify the race of a perpetrator (D. H. Simons, 2003). In one well-known case, skeptical police investigators had a scientist conduct a sample test to illustrate support for the science behind the use of DNA to identify the race of the suspect. Specifically, the investigators sent a molecular biologist 20 DNA samples to test for racial identity; after conducting his analysis, the molecular biologist correctly identified the race of all 20 samples. He later helped investigators solve the case by identifying the offender as Black, not White, as had been previously thought (Newsome, 2007).

The general collection and use of DNA in criminal investigations has not been without controversy. The American Civil Liberties Union (ACLU) has articulated three general concerns about forensic DNA databases. First, they believe the use of such databases can result in an invasion of medical privacy. In particular, they believe that DNA data “might be used by employers, insurers, and others for invidious genetic discrimination—against both the individual who supplied the DNA and also . . . immediate family members, who have similar DNA” (Schwartz, 2011, p. 1). Thus, there is concern about the Federal Bureau of Investigation’s (FBI) Combined DNA Index System (CODIS), one part of which is the National DNA Index (NDIS). Contrary to the belief of some, the DNA information collected by the FBI does provide information on “medically relevant” genes. Second, the ACLU believes that the use of forensic DNA databases represents an invasion of bodily integrity. To collect the information for the database, officials often place a swab in a person’s mouth; if the person refuses, he or she is often forced to comply. Schwartz (2011) notes that the government can get around forcibly taking the DNA by covertly taking DNA that is shed onto objects citizens have handled (e.g., soda cans). Potentially, the government could secretly seize the DNA of all Americans (p. 3). The ACLU’s third concern related to DNA databases is their racially disparate impact. Here, the ACLU takes the position that because “African Americans and Hispanics are arrested, prosecuted, and convicted—often wrongly—at a far higher rate than Caucasians,” they are likely to be disparately impacted by DNA databases (Schwartz, 2011). In addition to these general concerns, the ACLU is also concerned about familial DNA testing.

Familial DNA testing occurs when the DNA of the suspect is only a partial match. This can result in police questioning the immediate and extended family of the suspect, which has the potential to criminalize entire families—especially families of color (De Gruy, 2010; Schwartz, 2011). Given that people of color are more likely to be arrested

and incarcerated, familial DNA testing has the potential to contribute to racial injustice in the administration of justice.

There is clearly a delicate balance that needs to be struck when collecting DNA data. The United Kingdom, for example, began a DNA collection program in 1995 and currently includes nearly 6 million profiles in its National DNA Database (NDNAD); these profiles are linked to the Police National Computer (PNC) that contains a multitude of information on people including name, date of birth, ethnic appearance, and geographic factors such as where the sample was taken (Maguire, McCallum, Storey, & Whitaker, 2014). In total, nearly 8% of the UK population has DNA samples in the database (Cobain, 2016). Moreover, in past years, there have been concerns expressed about the large number of DNA samples of Black youth (23%) being retained compared to White youth (9%; GeneWatch, 2010).

Currently, in the United States, the FBI's National DNA Index contains over 13 million offender profiles as well as close to 4 million other profiles (FBI, 2018). Moreover, as of February 2018, the CODISNDIS system has “produced over 410,968, hits assisting in more than 395,256 investigations” (FBI, 2018). The reality is that the successful use of DNA databases is spurring the increased use of DNA evidence in the criminal justice field—in the United States and abroad. The real challenge ahead is how to balance privacy concerns with public safety concerns (Kazemian, Pease, & Farrington, 2011; Tseloni & Pease, 2011). This precarious balance was considered in the 2013 United States Supreme Court decision in *Maryland v. King*. In Focus 1.1 is devoted to reviewing the case.

Maryland v. King

In the case of *Maryland v. King* (2013), the United States Supreme Court considered whether the collection of DNA from a suspect constituted an unreasonable search and seizure. The case involved Alonzo Jay King, Jr., who was arrested in 2009 on multiple charges of assault. While waiting for King's case to go to trial, the state collected a DNA sample to determine whether King had been involved in additional criminal activity. Notably, in 2008, the Maryland legislature had passed the Maryland DNA Collection Act that required law enforcement officers to take such DNA samples from persons arrested for a crime of violence or attempted violence

and persons charged with burglary or attempted burglary. To protect the innocent, included in the act was a caveat that “a DNA sample, once taken, may not, without consent, be processed in a database before the arrestee is arraigned. In the event that the arrestee is not bound over for trial, is not convicted, has his conviction reversed on appeal, or is pardoned, the DNA sample must be destroyed” (Bower, 2013, p. 29).

King's DNA sample came back with a “hit” for a 2003 unsolved rape case. Solely on the basis of the DNA results, King was eventually charged and tried for the rape. During the trial, he pled not guilty and asked the trial court to suppress

the DNA evidence because it constituted a warrantless search. While his motion to suppress was denied by the trial court, the appellate court agreed with King, stating, “the collection of King’s DNA upon arrest without a warrant violated his Fourth Amendment right against unreasonable searches” (Bower, 2013, p. 29). The State of Maryland disagreed with the appellate court decision and petitioned the U.S. Supreme Court to hear the case. The case was heard by the U.S. Supreme Court on February 26, 2013 and decided on June 3, 2013. In a split decision (5–4 in favor of the state of Maryland), the majority held that “When officers make an arrest supported by probable cause to hold for a serious offense and they bring the suspect to the station to be detained in custody, taking and analyzing a cheek swab of the arrestee’s DNA is, like fingerprinting and photographing, a legitimate police booking procedure that is reasonable under the Fourth Amendment” (*Maryland v. King*, 2013).

Even though the King decision was clearly controversial, every state now requires the collection of DNA samples from offenders convicted of felony offenses. There has also been support for the collection of DNA data from offenders convicted of misdemeanors (Green, 2013). In addition, because of the ongoing concerns tied to minority profiling, some observers have suggested that, though legal, the collection of offender DNA represents an unethical intrusion and will eventually—as with many crime policies—disproportionately impact minorities (Cox, 2014).

Do you agree with this decision and the nationwide policies that now allow the collection of DNA samples from offenders?

Does it matter to you whether the offense is a felony or misdemeanor?

RACE, ETHNICITY, AND THE U.S. POPULATION IN 2015

Even though the debate about the existence of distinct races persists, the U.S. Census Bureau continues to track national data on race/ethnicity. In fact, the 2010 census collected these data, which became the standard practice during the first decennial census in 1790 (Anderson, 2017; Humes, Jones, & Ramirez, 2011). Figure 1.2 shows the form that was used to ask questions pertaining to race and ethnicity on the 2010 census. The form illustrates the separation of race and ethnicity. This practice dates to 1997, when the federal government mandated that “race and Hispanic origin (ethnicity) are separate and distinct concepts and that when collecting these data via self-identification, two different questions must be used” (Humes et al., 2011, p. 2).

Typically, Hispanics/Latinos are referred to as an ethnic group. The term *ethnicity* comes from the Greek word *ethnos*, which means “nation.” Generally, ethnic groups are defined by their similar genetic inheritances or some identifiable traits visible among most members of a particular group. Ethnic groups are also generally held together by a common language, culture, group spirit (nationalism or group solidarity), or geography (most typically people in an ethnic group originate from the same region; Marger, 1997). Therefore, most scholars generally see the terms *race* and *ethnicity* as culturally relevant rather than biologically relevant. More recently, the Census Bureau has considered changing the way in which it asks Americans about their race and ethnicity. A change

Figure 1.2 Reproduction of the Questions on Hispanic Origin and Race From the 2010 Census

NOTE: Please answer BOTH Question 5 about Hispanic origin and Question 6 about race. For this census, Hispanic origins are not races.

Is this person of Hispanic, Latino, or Spanish origin?

- ☐ **No**, not of Hispanic, Latino, or Spanish origin
- ☐ Yes, Mexican, Mexican Am., Chicano
- ☐ Yes, Puerto Rican
- ☐ Yes, Cuban
- ☐ Yes, another Hispanic, Latino, or Spanish origin — *Print origin, for example Argentinean, Colombian, Dominican, Nicaraguan, Salvadoran, Spaniard, and so on.* ➤

What is this person's race? Mark ☐ one or more boxes.

- ☐ White
- ☐ Black, African Am., or Negro
- ☐ American Indian or Alaskan Native — *Print name of enrolled or principal tribe.* ➤

- | | | |
|---|-------------------------------------|--|
| <input type="checkbox"/> Asian Indian | <input type="checkbox"/> Japanese | <input type="checkbox"/> Native Hawaiian |
| <input type="checkbox"/> Chinese | <input type="checkbox"/> Korean | <input type="checkbox"/> Guamanian or Chamorro |
| <input type="checkbox"/> Filipino | <input type="checkbox"/> Vietnamese | <input type="checkbox"/> Samoan |
| <input type="checkbox"/> Other Asian — <i>Print race, for example, Hmong, Laotian, Thai, Pakistani, Cambodian, and so on.</i> ➤ | | <input type="checkbox"/> Other Pacific Islander — <i>Print race, for example, Fijian, Tongan, and so on.</i> ➤ |
| <input type="checkbox"/> Some other race — <i>Print race.</i> ➤ | | |

Source: U.S. Census Bureau, 2010 Census questionnaire.

is being considered because Hispanics do not identify with the current racial categories (Cohn, 2017). The Census Bureau is considering a multitude of options. After conducting some preliminary research, it is leaning toward adopting a combined question about race and ethnicity. The new question format would allow all categories of people, including Hispanics/Latinos, to identify their racial group and use checkboxes to provide additional information on their backgrounds (e.g., Mexico or Mexican American, Puerto Rican, or Cuban). In late 2017, the Trump administration decided to delay the decision on what method will be used in the 2020 census. A final decision is expected in early spring 2018 (Wang, 2017).

We follow the current U.S. Census Bureau racial/ethnic categories and separate the American population into five groups: Native Americans, Whites, African Americans, Hispanic/Latino Americans, and Asian Americans. We also use the definitions for each

Table 1.1 U.S. Population Estimates by Race, 2015

Racial Group	Estimate	Percentage
White	240,966,668	76.1
Black or African American	43,587,193	13.8
American Indian and Alaskan Native	5,309,095	1.7
Asian	19,167,716	6.1
Native Hawaiian and other Pacific Islander	1,262,434	0.4
Some other race	16,559,996	5.2
Total Population	316,515,021	100.00*

Source: U.S. Census Bureau, 2011–2015 5-Year American Community Survey.

Note: *Total percentage slightly off due to rounding.

Table 1.2 U.S. Population Estimates by Hispanic or Latino and Race, 2015

Hispanic Group	Estimate	Percentage
Hispanic or Latino (of any race)	54,232,205	17.1*
Mexican	34,640,287	10.9
Puerto Rican	5,174,554	1.6
Cuban	2,014,010	0.6
Other Hispanic or Latino	12,403,354	3.9
Not Hispanic or Latino	262,282,816	82.9*
Total Population	316,515,021	100.0

Source: U.S. Census Bureau, 2011–2015 5-Year American Community Survey.

Note: *These two percentages equal 100% of population..

of the groups outlined in the 2010 census. We acknowledge that there are limitations to these categories. First, these categories do not take into account the ethnic variation within each race. The most recent population estimates by race from the U.S. Census Bureau are presented in Table 1.1. Table 1.2 provides a breakdown of the U.S. population by Hispanic/Latino origin and race. As you can see, there are a number of ethnic groups within the racial classification “Hispanic or Latino Americans.” This is true of other races as well. Another example is the category “African American/Black.” There is also ethnic diversity within this category; it often encompasses people from the Caribbean (e.g., Jamaica, Haiti), African countries, and other parts of the world. Because each of these groups has had a unique experience in America, it is, at times, problematic for researchers to assume that the experience of one African/Black American is representative of so many

diverse groups. Nevertheless, although we are aware of the problems with these classifications, the research and data we review follow this classification approach. Second, and relatedly, with the use of the multiracial category starting in 2000, the lines between racial groups have become rather blurred. This increasing trend adds to the considerable limitations of population and crime data (this topic is discussed further in Chapter 2).

RACE, ETHNICITY, AND POPULATION TRENDS

The U.S. Census Bureau provides the most recent estimates on the racial and ethnic dynamics of America. The 2016 population estimates reported more than 323 million residents in the United States. The figures also confirmed earlier estimates that the minority population had topped 100 million. The Hispanic/Latino population, as was observed in population estimates earlier in the decade, continues to be the largest minority population and now represents over 17% (57 million) of the U.S. population (Vespa, Armstrong, & Medina, 2018). Interestingly, this group's rise in population from 2000 to 2010 accounted for more than 50% of the increase in the U.S. population during the decade (Ennis, Rios-Vargas, & Albert, 2011). This increase in the Hispanic/Latino population is in large part a result of the increasing number of Mexicans in the United States. Specifically, relying on 2010 census data, there were approximately 11 million more persons of Mexican descent in the United States in 2010 than there were in 2000. This trend has resulted in concerns about not only immigration in general but also illegal immigration. Border states, including Arizona, Texas, and California, have especially taken notice of this trend and reacted with legislation to stem the rising number of illegal immigrants. These states and others have enacted numerous measures to restrict the benefits (e.g., medical, educational) and rights (e.g., due process) of illegal immigrants in their states (Huntington, 2004; MacDonald, 2004). Other states have followed suit, contributing to a national debate on the best way to reduce the number of illegal immigrants in the United States. Moreover, with the election of Donald Trump as president in 2016, the rhetoric surrounding the stemming of illegal immigration has precipitously increased. In particular, President Trump campaigned on building a wall to shore up the 1,900-mile border. Current cost estimates range from 8 to 40 billion dollars to complete the project (Rieger, 2017).

Terminological Preferences

Given the rapidly changing demographics of the United States in past years, some have called for the discontinuance of the term *minority* (Têxeira, 2005). In place of *minority*, which some believe is a “term of oppression” or a term that seeks to minimize the collective aspirations of a group, the term *people of color* has been suggested (Têxeira, 2005). Whatever the term to be used, if current estimates are correct, it is clear that one day racial and ethnic groups now considered to be minorities will become nearly half the U.S. population (U.S. Census Bureau, 2004). In fact, estimates are that Whites will represent only 50% of the population in 2050, with Hispanics/Latinos—whose recent population projections have slowed—still representing nearly a quarter of the population and other

racial and ethnic minorities comprising the remainder of the populace (Krogstad, 2014; U.S. Census Bureau, 2004). In addition to the varying population figures, Table 1.3 provides some sociodemographic information on several racial/ethnic groups.

PREJUDICE, DISCRIMINATION, AND IMPLICIT BIAS

Even with the growth in the minority population, prejudice and discrimination remain central concerns. **Prejudice** is a negative attitude toward a particular group. This is usually in the form of stereotypes that often result in people making negative generalizations about an entire group. Discrimination is the “unequal treatment of a person or persons based on group membership” (Healey, 2007, p. 20). As you can imagine, having prejudicial attitudes toward a particular group, in many instances, can lead to discriminatory actions in areas such as employment, housing, and the criminal justice system.

Implicit bias represents another concept that has received more attention, in general as well as in criminal justice research (see also Chapter 4). Implicit bias is observable when prejudicial views are used to make decisions—unconsciously (Anderson, 2017). In other words, someone might not be aware of acting in a prejudicial manner towards another person or group because the negative or positive belief that is causing the action is stored in the subconscious (Anderson, 2017). These subconscious beliefs can cause criminal justice professionals to treat one group punitively because

Table 1.3 Sociodemographic Characteristics of Select Racial/Ethnic Groups, 2016

Category	White	Black/African American	Hispanic/Latino	Asian
*Education: Percentage of persons 25 to 29 years old with selected levels of educational attainment by race/ethnicity				
High school completion or higher	95.2%	91.1%	80.6%	96.8%
Associate's or higher degree	54.3%	31.7%	27%	71.5%
Bachelor's degree or higher	42.9%	22.7%	18.7%	65.6%
Master's degree or higher	10.5%	5.2%	4.1%	24.9%
Individuals below poverty**	8.8%	22%	19.4	10.1
Median household income**	\$65,041	\$39,490	\$47,675	\$81,431
Unemployment rate***	4.3%	8.4%	5.8%	3.6%

Sources:

* U.S. Department of Education. Institute of Education Sciences, National Center for Education Statistics;

**US Census Bureau;

***US Bureau of Labor Statistics.

their implicit biases cause them to see that group as being prone to violence and treat another group leniently—even in similar circumstances—because their implicit biases cause them to view the other group as harmless. Thus, determining whether prejudice, discrimination, and implicit bias permeate the criminal justice system is critical to understanding the role of racism in justice system outcomes.

The remainder of this chapter provides a brief historical overview of each major racial/ethnic group, highlighting the complex history of race in America and how this history is intertwined with crime and the criminal justice system. Readers should keep in mind that our historical review is not meant to be comprehensive. Rather, we see our review as illustrating that concerns regarding race and crime are not new and have been the norm since distinctive racial and ethnic groups from across the globe arrived in America.

HISTORICAL ANTECEDENTS OF RACE AND CRIME IN AMERICA

Native Americans

Prior to the arrival of Europeans in the Americas, the original people occupying lands now called the United States had existed on the continent for thousands of years. It is believed that they originated from eastern Asia. More specifically, it is believed that they have been in North America for the last 30,000 years, having crossed over from Asia into America on glaciers that, due to warming trends, later melted (Polk, 2006, pp. 3–4). Over time, they built complex societies throughout the Americas. Even so, upon their arrival in the Americas (South America and the West Indies), Christopher Columbus and his followers clearly viewed these people, whom they referred to as “Indians,” as inferior (H. J. Clarke, 1992). The views of the European newcomers towards those now referred to as “Native Americans” were made plain by their actions. The brutality that followed has been painstakingly documented by firsthand observers of the massacres (De Las Casas, 1552/1993). Sale (1990) has suggested that prior to the arrival of Europeans there were about 15 million Native Americans in North America. According to Healey (2003), nearly four centuries later, in 1890, only 250,000 remained. Today, there are slightly more than 5.3 million American Indians/Alaskan Natives in the United States. Nonetheless, considering the historical decimation of the Native American population, some criminologists have viewed their massacre as genocide (Barak, Leighton, & Cotton, 2018).

Although some have categorized all Native Americans into one group, they represent “a diverse array of nations, with major differences in population, economies, politics, language, and customs” (Feagin & Booher Feagin, 2012, p. 139). It has been noted that their societies were more advanced than those of the Europeans who colonized them. Consequently, Europeans borrowed much from Native American agriculture and pharmacology. Furthermore, some have noted that “Benjamin Franklin, Thomas Jefferson, and other colonial leaders admired and were influenced by the democratic

institutions of certain indigenous nations such as the Iroquois. Even the symbol of the United States, an eagle clutching arrows, was copied from Iroquois symbols” (Feagin & Booher Feagin, 2012, p. 146).

During their initial contact with Europeans, Native Americans assisted the newcomers with advice on how to survive in their new environment. However, once colonists became comfortable with the surroundings, they began to displace, enslave, and destroy Native American societies. In time, massacres of Native Americans became commonplace throughout the colonies, but once the Constitution was ratified (with little mention of Native Americans), treaties were enacted with the aim of ending massacres and also protecting Native American lands from further pillage. But the government did not honor the treaties. Such actions were sanctioned at the highest levels, with presidents such as Andrew Jackson encouraging the defiance of Supreme Court rulings related to Native Americans. From 1790 to the mid-1800s, there were more than 300 treaties signed between Whites and Native Americans, most of which were not honored. As a result, conflicts persisted, which led to concerns regarding “criminal aggression” and the subsequent enactment of another approach: removal. Healey (2003) wrote,

East of the Mississippi, the period of open conflict was brought to a close by the Indian Removal Act of 1830, which dictated a policy of forced emigration to the tribes. The law required all eastern tribes to move to new lands west of the Mississippi. Some of the affected tribes went without resistance, others fought, and still others fled to Canada rather than move to a new territory. (p. 190)

This infamous “Trail of Tears,” as it became known, resulted in the death of thousands of Native Americans. Nearly 40 years later, in 1867, the Doolittle Committee, which was investigating several recent massacres of Native Americans, found that much of the aggression by Native Americans around that time had occurred in response to White aggression (Harjo, 2002).

The same year of this massive removal of Native Americans, the Bureau of Indian Affairs (BIA) was established to handle matters related to this population. Following the creation of the BIA, the agency had to deal with the competing aims of the federal government. On the one hand, the government created the agency to help Native Americans; on the other hand, the military had a policy of “genocidal extermination.” Nearly 60 years after the creation of the BIA, the 1887 Dawes Act legislated that individual families be provided with reservation lands. While well meaning, as Feagin and Booher Feagin (2012) observed, “This policy resulted in a large-scale land sale to Whites. Through means fair and foul, the remaining 140 million acres of Indian lands were further reduced to 50 million acres by the 1930s” (p. 146). In the early part of the 20th century, the government tried to assimilate Native Americans by sending them to Indian boarding schools that were Christian-based and were used to indoctrinate Native Americans into American culture. During this process, Native Americans were forced to abandon their native languages and customs. The attempt to assimilate Native Americans culminated during the 1920s with the passage of the

Indian Citizenship Act of 1924, which granted all Native Americans citizenship. The end of this period saw Native Americans calling for new policies, one of which came in the form of the 1934 Indian Reorganization Act. This act, which essentially ended the Dawes Act, “was intended to establish Indian civil and cultural rights, allow for semiautonomous tribal governments, and foster better economic development on reservations” (Feagin & Booher Feagin, 2012, p. 147). As with all legislation, there were problems. Most notably, Native Americans saw this act as giving too much power to the secretary of the interior. In addition, many Native Americans believed the act violated their sovereignty, or their right to govern themselves, which had been provided by previously enacted treaties.

The second half of the 20th century spurred more attempts by Native Americans to shed governmental control. In the early 1950s, Congress enacted legislation called *termination*, which “call[ed] for an end to the reservation system and to the special relationships between the tribes and the federal government” (Healey, 2004, p. 134). This process also negated previous treaties, a policy that was vigorously opposed by Native Americans. In addition, based on the specifics of the policy, “Tribes would no longer exist as legally recognized entities, and tribal lands and other resources would be placed in private hands” (Healey, 2004, p. 134). Because of this policy, many Native Americans moved to urban areas.

The decades following the enactment of the termination policy saw increasing opposition from Native Americans. After about 25 years, the policy was repealed. In 1975, the Indian Self-Determination and Education Assistance Act “increased aid to reservation schools and Native American students and increased the tribes’ control over the administration of the reservations, from police forces to schools and road maintenance” (Healey, 2004, p. 136). This act provides much of the basis on which many tribes now operate. Recent federal legislation has enabled some tribes to open gambling facilities on reservations, which, according to the National Indian Gaming Commission website (<http://www.nigc.gov>), generated more than \$31.2 billion in revenues in 2016. Other tribes have invested in additional ways to generate revenue (e.g., tax-free cigarette sales). Native Americans’ move to self-determination also has resulted in suits against the federal government seeking reparations for past broken treaties. In a similar vein, a recent article by Regan (2014) argues that there are five ways the government keeps Native Americans in poverty: Indian lands being owned and managed by the federal government, economic development being controlled by the federal government, the complex legal framework that hinders economic growth, energy regulation that makes it difficult to manage their resources, and the mismanagement of Indian assets by the government. These impediments suggest that the federal government has continued to stymie the progress of Native Americans. Despite these ongoing challenges, with 561 recognized tribes, Native Americans remain a notable presence in the United States.

African Americans

African Americans are another group that has had a long and arduous relationship with the United States. With the Native American population nearly completely decimated because of brutality, enslavement, and diseases that were brought to the Americas by the

Spanish, Bartolomé De Las Casas, the priest who accompanied Columbus to America, sought a way to halt their extermination.

De Las Casas's idea centered on not ending the slave system but instead replacing the Native Americans with another labor force: Africans. Of De Las Casas's thinking, Finger (1959) wrote,

Having heard that the Negroes of the Portuguese colonies in Africa were more robust than the natives of the West Indies Islands, he [De Las Casas] recommended that Black slaves be imported to take the place of Indians in server tasks of the plantations and mines. (p. 716)

Finger (1959) also described the results of De Las Casas's suggestion:

A terrible traffic in human flesh ensued. Portuguese raiders carried the Africans from their homes, and English sailors conveyed them across the Atlantic. Spanish, Portuguese, and later English slave-owners worked the poor Black men as though they possessed no natural rights as human beings. (pp. 716–717)

As with the decimation of the Native American population, the slave trade involving Africans has been viewed as genocidal and referred to as the “African holocaust” (H. J. Clarke, 1992).

It is disputable as to when Africans initially arrived in the colonies. Some suggest that Africans arrived in America long before their arrival in the 1600s as indentured servants and slaves (Goodwin, 2008; Van Sertima, 1976). But the prevailing historical account describes Africans arriving in America in 1619 as a result of piracy (Higginbotham, 1996). When a slave ship carrying Africans headed to the West Indies was taken over by pirates and ran out of supplies, the pirates landed in Jamestown, Virginia, where they sold the Africans for food and supplies. It is important to note that, prior to their movement into perpetual slavery, Africans had existed much like the other citizens in the colony. Thus, from their arrival in 1619 to the 1660s, Africans were not considered slaves in colonial America; they were able to fulfill indentures and were fairly integrated into the life of the colony. After 1660, however, colonial legislation made it clear that Africans were to be considered slaves.

McIntyre (1992) believes the leaders of the colony came to a juncture where they needed to decide the best way to further the economic fortunes of its citizens, and they came up with several potential options. The first involved the continued use of the indentured servant system for Blacks and Whites. Second, the colonists, like the Spaniards earlier, thought about enslaving the Native Americans. Third, both Native Americans and Blacks could be enslaved. Fourth, the colonists could create a free labor system for Blacks, Whites, Indians, and immigrants. Eventually, they chose the fifth option: the enslavement of Blacks. McIntyre (1992) has suggested that this was the case because Whites had the option to appeal for protection from the British monarchy; in addition, they could appeal to general White public opinion. Enslaving Native Americans did not appeal to the colonists because besides feeling that they would not hold up under slave

conditions, they were aware that the natives were familiar with the terrain, which would have permitted easy escape. For the next two centuries, African Americans would serve as the primary labor force keeping the Southern economy afloat.

Although much of the slave system was kept intact by “plantation justice,” there was little interference in these matters from outside developing criminal justice institutions, except when slaves escaped or there was a slave revolt. In times of escapes, slave owners cooperated by enlisting **slave patrols** to ensure slaves were quickly captured and returned to their owners. Similarly, when slave revolts occurred, slave owners worked together to expeditiously bring a close to the uprisings that threatened the stability of the slave system (H. Aptheker, 1943/1993). Slave owners were so committed to quelling escapes and revolts that they enacted widespread “slave codes” to reduce their likelihood. Describing the slave codes, Russell (1998) wrote,

Slave codes embodied the criminal law and procedure applied against enslaved Africans. The codes, which regulated slave life from cradle to grave, were virtually uniform across states—each with the overriding goal of upholding chattel slavery. The codes not only enumerated the applicable law but also prescribed the social boundaries for slaves—where they could go, what types of activity they could engage in, and what type of contracts they could enter into. Under the codes, the harshest criminal penalties were reserved for those acts that threatened the institution of slavery (e.g., the murder of someone White or a slave insurrection). The slave codes also penalized Whites who opposed slavery. (pp. 14–15)

In addition to the slave codes, Whites used psychology to keep the slave system intact. Describing the nature of this process, Claud Anderson (1994) wrote that “this process was designed to instill in blacks strict discipline, a sense of inferiority, belief in the slave owners’ superior power, acceptance of the owners’ standards and a deep sense of a slave’s helplessness and dependence” (p. 165). Moreover, Anderson added, “the slave owners strove to cut blacks off from their own history, culture, language, and community, and to inculcate white society’s value system” (p. 165).

Another telling dynamic during the slave era was the way in which punishment was exacted for crimes committed by African Americans in comparison with Whites. After reviewing nearly every appellate case on antebellum slavery and race relations from 1630 to 1865, A. Leon Higginbotham, the late jurist and scholar, formulated his “Ten Precepts of American Slavery Jurisprudence” (Higginbotham, 1996; see In Focus box 1.2). These precepts describe the foundations on which justice was distributed during this era. Most notably, to maintain the slave system, White supremacy called for little justice to be distributed to African Americans, whereas Whites were indifferent to their own criminal activity. This disparity in judicial response was most pronounced in the crime of rape. White men might rape Black women with impunity; however, if Black men so much as looked at White women in an unacceptable way, they were subjected to severe beatings. Table 1.4 highlights the differential punishments for African American and White crimes during the slave era.

The 10 Precepts of American Slavery Jurisprudence

Inferiority: Presume, preserve, protect, and defend the ideal of the superiority of whites and the inferiority of blacks.

Property: Define the slave as the master's property, maximize the master's economic interest, disregard the humanity of the slave except when it serves the master's interest, and deny slaves the fruits of their labor.

Powerlessness: Keep blacks—whether slave or free—as powerless as possible so they will be submissive and dependent in every respect, not only to the master, but to whites in general. Limit blacks' accessibility to the courts and subject blacks to an inferior system of justice with lesser rights and protections and greater punishments. Utilize violence and the powers of government to ensure the submissiveness of blacks.

Racial "Purity": Always preserve white male sexual dominance. Draw an arbitrary racial line and preserve white racial purity as thus defined. Tolerate sexual relations between white men and black women; punish severely relations between white women and non-white men. As to children who are products of interracial sexual relations, the freedom or enslavement of the black child is determined by the status of the mother.

Manumission and Free Blacks: Limit and discourage ; minimize the number of free blacks in the state. Confine free blacks to a status as close to slavery as possible.

Family: Recognize no rights of the black family; destroy the unity of the black family; deny slaves the right of marriage; demean and degrade black women, black men, black parents, and black children; and then condemn them for their conduct and state of mind.

Education and Culture: Deny blacks any education, deny them knowledge of their culture, and make it a crime to teach those who are slaves how to read and write.

Religion: Recognize no rights of slaves to define or practice their own religions, choose their own religious leaders, or worship with other blacks. Encourage them to adopt the religion of the white master, and teach them that God, who is white, will reward the slave who obeys the commands of his master here on earth. Use religion to justify the slave's status on earth.

Liberty-Resistance: Limit blacks' opportunity to resist, bear arms, rebel, or flee; curtail their freedom of movement, freedom of association, and freedom of expression. Deny blacks the right to vote and to participate in government.

By Any Means Possible: Support all measures, including the use of violence, that maximize the profitability of slavery and that legitimize racism. Oppose, by the use of violence if necessary, all measures that advocate the abolition of slavery or the diminution of white supremacy.

Higginbotham, A. L. (1996). *Shades of freedom: Racial politics and the presumptions of the American legal process*. Oxford, UK: Oxford University Press. 195–196.

Table 1.4 Criminal Punishments by Race in Slave-Era Virginia

Crime	White Offender	Black Slave Offender
Murder (White victim) Petit treason (murder of slave owner)	Maximum penalty: death	Death
Murder (Black victim)	Rarely prosecuted	If prosecuted, whipping, hard labor, or death
Rape (White victim)	10–20 years, whipping, or death if minor victim	Death or castration (same penalty for attempted rape)
Rape (Black victim)	No crime	No crime, exile, or death (If rape of free Black woman, penalty could be death)
Assault (White victim)	1–10 years (if done with intent to kill)	Whipping, exile, mutilation, or death

Source: Reprinted with permission from the *North Carolina Law Review*, Vol. 70, pp. 969, 1070 (1992).

The 1700s brought similar race and crime concerns. Some Whites, however, continued to show indifference toward their own criminal activity. Although the slave system began to expand under the encouragement of the colonial aristocracy, the slave trade began to be shunned in the international community. Subsequently, there was a movement to stop the trade, although slavery continued for those slaves already in America. Du Bois (1891) wrote about the movement to stop the slave trade as having four periods, and these were tied to large-scale efforts by Whites to circumvent the law. Du Bois wrote that there were varying levels of commitment to this initiative. The compromise of the Constitutional Convention allowed the slave trade to continue until 1808; however, Du Bois's research showed that Whites never took the prohibition seriously, considering the large numbers of persons who were actively involved in trading slaves even with the threat of imprisonment.

Du Bois found that when the U.S. government signed the Treaty of Ghent in 1814, it further committed to ending the international slave trade. As a condition of this commitment, participating nations were asked to engage in searches of vessels abroad; however, the United States was unwilling to agree to this stipulation. Hence, many ships that flew the American flag were not American; they were slave traders who sought refuge by using the American flag. Du Bois also noted that even after the **death penalty** was instituted for slave trading, he found few instances when Whites had been convicted, much less executed, for being connected to the slave trade. In the end, this early form of White crime in America, which was particularly tied to the ruling class of slaveholders in the South, was allowed to persist because Whites were unwilling to give up the financial benefit derived from the slave trade and system (C. Anderson, 1994; E. Williams, 1944).

During the mid-1850s, there was a crisis brewing regarding slavery. Although a civil war seemed imminent, the North and South tried to delay the inevitable. Of particular concern during this period was the acquisition of territories in the southwest portion of the United States. The debate centered on which states should be slave states—if any at all. Predictably, Northerners argued to keep such states free, whereas Southerners wanted to preserve the institution of slavery, so they argued the reverse. Vigorous debate led to the well-known Compromise of 1850, which essentially gave each side a portion of what it wanted. For example, California entered the Union as a “free state,” while other territories would enter the Union without mention of slavery (Franklin & Moss, 2000). One of the provisions of the compromise led to the enactment of the Fugitive Slave Law of 1850.

A revision of the 1793 Fugitive Slave Act, the Fugitive Slave Law (or Act) of 1850 was structured to ensure the return of runaway slaves. This revised legislation called for the appointment of numerous commissioners who were authorized to hire deputies who all could “enlist the aid of bystanders or posses to enforce the act” (Kennedy, 1997, p. 83). Furthermore, monetary incentives were tied to this process. For example, “commissioners would be paid a fee of \$5 in each case in which he determined that a slave master was *not* [emphasis added] entitled to an alleged fugitive slave, and would be paid a fee of \$10 in each case in which he determined that a master was entitled to the accused person” (Kennedy, 1997, pp. 83–84). Finally, to illustrate the seriousness with which the enforcement of the 1850 act was to be taken, there was a stipulation that if a U.S. Marshall refused or neglected to execute warrants issued by commissioners he would be fined \$1,000 (Kennedy, 1997). The enactment of this legislation and other provisions of the Compromise of 1850 still could not stop the move toward civil war. Thus, not long after the notorious 1857 Dred Scott decision that continued to increase the tensions between North and South, the country headed into the Civil War in 1861.

Following the Emancipation Proclamation in 1863, which freed the slaves in the Confederate states, and the enactment of the Thirteenth Amendment in 1865, which ended slavery throughout the United States, many African Americans chose to remain in the South. Others dreamed of migrating north and starting anew. Unfortunately, Southern landowners were unwilling to part so easily with their former free labor force. Therefore, following emancipation, they enacted the **Black codes**. These codes were an assortment of laws that targeted poor Whites and African Americans. Some scholars have argued that the laws were specifically created so that a significant number of African Americans could be returned to plantation owners through the **convict lease system** (Du Bois, 1901/2002; Myers, 1998; Oshinsky, 1996). The convict lease system allowed states to lease convict labor to private landowners. Although some poor Whites also became entangled in this legal system, most of the inmates who were leased out to Southern landowners were African Americans. Before long, whereas previously they had engaged only in trivial offenses, African Americans began to engage in more bold and brutal offenses; this development shocked Southern Whites who had created the unjust system (Du Bois, 1901/2002).

Prior to the Civil War, primarily Whites had been incarcerated in Southern penal institutions, and one product of the massive changes in the South was the increasing

number of African Americans found in prisons. Following this period, along with the convict lease system, states such as Mississippi ran notorious state prisons that put the prisoners to work. Parchman Farm was one of the most infamous (Oshinsky, 1996). The Reconstruction era also brought the formal advent of hate groups. Groups such as the Knights of White Camellia, the Constitutional Union Guards, the Pale Faces, the White Brotherhood, the Council of Safety, the '76 Association, and the infamous Knights of the Ku Klux Klan were all formed to ensure White supremacy ruled in the South following emancipation and the passage of the Thirteenth Amendment in 1865, which officially abolished slavery. These groups wreaked havoc on African Americans and other citizens, who were targets of their hatred. **Lynching** became the means used to intimidate and handle those who challenged the racist White power structure (see Figure 1.3). It is generally accepted that, between 1882 and 1930, "At least three thousand black men, women, and children were murdered by white gangs during this era of the lynch mob, and this toll does not count other racially motivated murders or black deaths from race riots" (Beck & Tolnay, 1995, p. 121; also see Chapter 2 for lynching statistics). These indiscriminate killings of African Americans (and some Native Americans and Spanish-speaking minorities), usually by hanging, were typically carried out to avenge some unsubstantiated crime committed by an African American or other "undesirable" minority against a White person (Zangrando, 1980). In most instances, rape was alleged to justify these horrific actions.

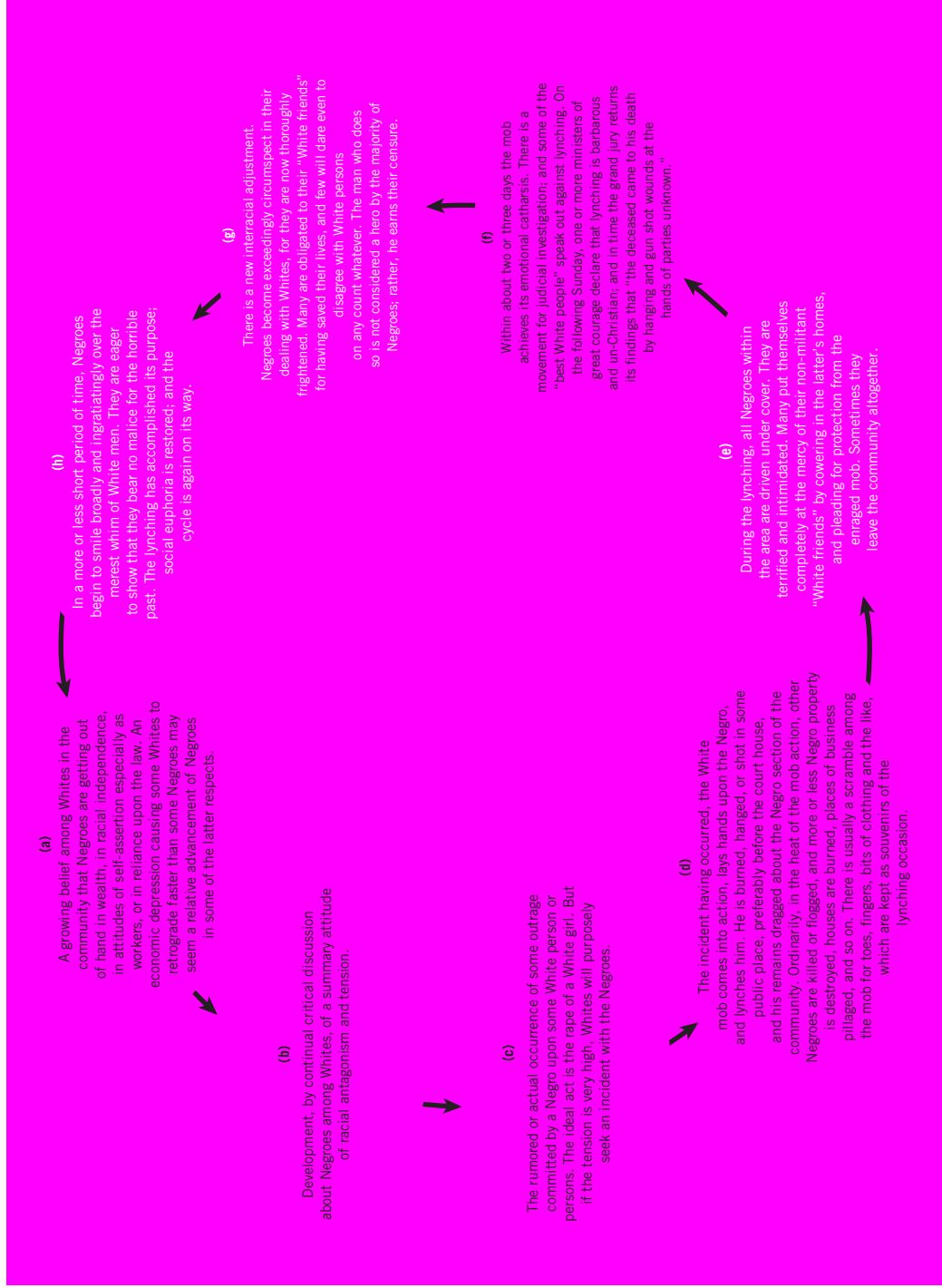
The Ku Klux Klan emerged as the leading hate organization. In an effort to suppress African American economic equality and pride, the Klan beat African Americans for minor things, such as "Black women . . . dressing in brightly-colored clothes, and men for being impolite, talking back to Whites or failing to say 'Yes Sir'" (Katz, 1986, p. 39). In many jurisdictions, Klan activities were condoned by local law enforcement. As a result, many African Americans lost faith in the justice system and stopped reporting crimes altogether (Katz, 1986).

On the eve of the 20th century, the *Plessy v. Ferguson* (1896) "separate but equal" decision was hailed by Southern bigots. This decision was significant in that it gave Whites legal support to enforce some of their ideas concerning White supremacy and the separation of the races. Furthermore, this decision enabled law enforcement officials to take action against African Americans who sought basic services now reserved for Whites. Du Bois (1899) clearly saw the danger of state-sanctioned segregation, writing,

[Another] cause of negro crime is the exaggerated and unnatural separation in the South of the best classes of whites and blacks. A drawing of the color line, that extends to street-cars, elevators and cemeteries, which leaves no common ground of meeting, no medium for communication, no ties of sympathy between two races who live together, and whose interests are at bottom one—such a discrimination is more than silly, it is dangerous. (p. 1357)

Ten years after the turn of the 20th century, African Americans were primarily Southern. Meier and Rudwick (1970) observed that "approximately three out of four lived in rural areas and nine out of ten lived in the South" (p. 213). The "Great Migration,"

Figure 1.3 Oliver Cox's Lynching Cycle



Source: The Journal of Negro education by HOWARD UNIVERSITY. Copyright 1945 Reproduced with permission of JOURNAL OF NEGRO EDUCATION in the format Textbook via Copyright Clearance Center.

however, changed the landscape of the North and South. By the 1950s, “Negroes were mainly an urban population, almost three fourths of them being city-dwellers” (Meier & Rudwick, 1970, p. 213). During this era, African Americans crowded into Northern cities in search of job opportunities; what they found, however, were overcrowded urban areas with assorted European immigrants either seeking similar opportunities or already established in the low-skill, low-wage jobs that African Americans had hoped to obtain. African American women were able to secure employment in domestic service, where, unfortunately, White men often sexually assaulted them. Writing of the dilemma this posed, scholar activist Angela Davis (1981) noted,

From Reconstruction to the present, Black women household workers have considered sexual abuse perpetrated by the “man of the house” as one of their major occupational hazards. Time after time they have been victims of extortion on the job, compelled to choose between sexual submission and absolute poverty for themselves and their families. (p. 91)

African American men who did find work were also relegated to menial jobs and, from 1890 to 1930, were often used as strikebreakers (Massey & Denton, 1993). Their role as strikebreakers often led to racial violence in the North, which repeatedly culminated in race riots. From 1900 to 1919, there was a steady stream of race riots throughout the North. The riots continued into the 1920s, with Whites resisting integration “by any means necessary.” As Massey and Denton (1993) documented,

A wave of bombings followed the expansion of black residential areas in the cities throughout the north. In Chicago, fifty-eight homes were bombed between 1917 and 1921, one every twenty days; and one black real estate agent, Jesse Binga, had his home and office bombed seven times in one year. (p. 35)

Devastating riots followed in Tulsa, Oklahoma, in 1921 (Hirsch, 2002) and Rosewood, Florida, in 1923 (D’Orso, 1996; Russell, 1998). Because of the continuing racial tensions related to labor competition and integration attempts, race riots persisted well into the 1960s (Grimshaw, 1969).

In the 1930s, the “Scottsboro Boys” drew international attention to the plight of African Americans. The case involved several African American boys who were traveling in a freight train with several White boys and two White girls. After a fight ensued, the White boys were ejected from the train. At the next stop in Scottsboro, Alabama, the girls got off the train and claimed they had been gang-raped by the nine African American boys. Playing on the worst fears of Southern White men, the girls’ accusations resulted in a mob being quickly formed in anticipation of the lynching of the boys (Carter, 1969). With the protection of law enforcement, however, the boys made it to trial. Following several trials, the boys were found guilty and received the death penalty. Although it was later revealed that the claims were a hoax, the boys spent the better part of their youth and early adulthood incarcerated for crimes they did not commit.

During the 1930s and 1940s, there was continued interest in the subject of crime among African Americans. In the last edition of his landmark text, *Principles of Criminology* (1947), pioneering criminologist Edwin Sutherland devoted a chapter to “crime in relation to race and nativity.” He first noted that, much like today, African Americans were “arrested, convicted, and committed to prisons approximately three times as frequently as white persons” (Sutherland, 1947, p. 121). Sutherland also cautioned that some of these statistics “probably reflect a bias against all of the minority races but especially against the Negro” (p. 121).

By the early 1950s, African Americans and other ethnic groups were still struggling to survive in an increasingly segregated and hostile America. Some turned to crime, whereas others turned to the United Nations for assistance. In 1951, African Americans petitioned the United Nations and charged the U.S. government with genocide against African Americans (Patterson, 1951/1970). Although the United Nations did not respond to the petition, African Americans had made the commitment to try to change their position within American society. This movement was given a further push by the 1955 kidnapping and slaying of Emmett Till in Mississippi.

The shocking and brutal killing of the 14-year-old boy for “disrespecting” a White woman spurred a movement that picked up steam with the Montgomery boycott, which started on December 5, 1955. The Civil Rights Movement showed the national and international communities the depth of racial hatred and interracial strife in America. The demonstrations that defined the movement were seen by millions on TV, and the brutality of the police toward nonviolent demonstrators spoke to the oppressive role the police played in the African American and other minority communities.

By the 1960s, according to figures from Tuskegee Institute (Zangrando, 1980), lynchings were rare events; however, Whites had successfully used the practice to discourage any serious level of integration. Therefore, although Thurgood Marshall and his colleagues were successful in the landmark *Brown v. Board of Education* (1954) case, minority communities did not substantially change for decades. Because of “the white strategy of ghetto containment and tactical retreat before an advancing color line” (Massey & Denton, 1993, p. 45), substantial underclass communities were in existence by the 1970s. This bred a level of poverty and despair that fostered the continuation of the African American criminal classes and organized crime. The riots of the 1960s were a response to the long-standing troublesome conditions in some of these cities (National Advisory Commission on Civil Disorders, 1968).

When African Americans (especially those that comprised a growing middle class) were finally able to take advantage of the opportunities forged by the Civil Rights Movement and desegregation, many of them left inner-city areas for the suburbs (an event known as “Black flight”). As a result, the level of stability they had brought to the inner-city communities disappeared after the exodus. Those communities are now composed of what Wilson (1987) describes as “the truly disadvantaged.” They are heavily dependent on the underground economy for survival (see Venkatesh, 2006, 2008), which has likely contributed to the overrepresentation of African Americans throughout the U.S. criminal justice system.

In the mid part of the first decade of the 2000s, the plight of the **truly disadvantaged** was brought to the forefront of American consciousness with the 2005 Hurricane Katrina fiasco, in which the government—at all levels—failed to provide an adequate response to the needs of poor and mostly Black New Orleans residents (Dyson, 2006; Potter, 2007). Moreover, in the absence of government response, citizens who took matters into their own hands have been portrayed as criminals (Russell-Brown, 2006). The second decade of the 21st century saw a spate of high-profile fatal shootings—of unarmed Black males. In 2012, the first shooting to receive considerable national exposure was that of Trayvon Martin, a 17-year-old boy from Florida, who was killed by George Zimmerman, a community watch person (Gabbidon & Jordan, 2013; Johnson, Warren, & Farrell, 2015). Zimmerman killed Martin after confronting him, even though the local police department had told Zimmerman not to approach the young man. Additionally, in 2014, 2015, and 2016 the questionable deaths of Michael Brown in Ferguson, Missouri; Eric Garner in New York City; Freddie Gray in Baltimore; and Alton Sterling in Baton Rouge, Louisiana—at the hands of police officers—spurred nationwide protests and a community movement, “Black Lives Matter,” which sought to highlight the high rate of police killings of young Black men. (See Chapter 4 for additional discussion of these police killings.)

Even with the ongoing struggles encountered by African Americans and other Black ethnic groups, and the historical fixation on their criminality, they have contributed to every aspect of American life, from the tilling of the soil in the South and factory work in the North to produce the wealth that made America what it is, to the innumerable scientific, musical, and artistic contributions that are now considered staples of American culture (Feagin, 2015).

White Ethnicity

During the early 1600s, while the slave trade in South America and the West Indies was commonplace, the British colonized parts of what would later become the American colonies. This led to many of the same kinds of conflicts with Native Americans that the Spanish had quelled with unimaginable brutality. Although the British saw the colonies as somewhere they could send criminals and other undesirables, they also saw the opportunity for monetary gain, so they encouraged immigration to the colonies. Some came as free men and women unencumbered by debt, whereas others used indentures to get themselves to the New World. Indentured servant agreements allowed immigrants to work for a period of time to pay for their travel expenses to the colonies. Once their indentures were completed, immigrants were free to pursue whatever opportunities they desired. In addition to British immigrants, Germans and Italians were among the first to immigrate to America. Many began to arrive in the early 1600s, settling first in New Amsterdam (New York) and later in Pennsylvania (Sowell, 1981).

Given this rich history of European immigration to the United States, we briefly review the history of several **White ethnic** groups. Although our review does not cover every White ethnic group that immigrated to America, we provide discussions of several of the major groups. We begin with an overview of the experience of German Americans.

This is followed by a review of the experiences of Italian Americans, Irish Americans, Jewish Americans, and Arab Americans. As you will see, many of these groups have similar stories regarding their reason for making the long journey to America. In addition, many have had nearly identical experiences upon their arrival in America.

German Americans

Faust (1927) places the first German in America at the time of Leif Ericson's pioneering journey that landed him in North America 500 years prior to Columbus's arrival. Among Ericson's crew was a German named Tyrker, who "is credited with discovering grapes in North America and therefore also naming the new land Vineland" (Ripley, 1976, p. 22). Not until the 1500s was there a settlement of Germans in America. Located in Port Royal, South Carolina, the settlement was composed of Huguenots (French Protestants) and Alsatian and Hessian Protestants (both of German origin). The settlement, however, was destroyed by the Spaniards, and thus only lasted four years, from 1562 to 1566. The next wave of German immigrants arrived with the first settlers in Jamestown in 1607. Often referred to as the "Dutch," which is likely "a linguistic slip that occurred because the word 'Dutch' so closely resembles a German's designation for himself, *Deutsch*" (Ripley, 1976, p. 24), they were often mistreated during the early colonial period. Consequently, they sympathized with the plight of Native Americans and "chose to remain with the Indians, preferring their friendship to that of the 'gentlemen' of Jamestown" (Faust, 1927, p. 8).

In the late 1600s, 13 German families arrived in Philadelphia and represented the beginning of mass German immigration to the United States (Coppa & Curran, 1976). Many of these immigrants came at the urging of William Penn, who told them of the religious freedoms in his colony of Pennsylvania (Sowell, 1981). Others came as a result of the disarray in their homeland. Of this, Coppa and Curran (1976) wrote, "The havoc wrought by the Thirty Years' War (1618–1648) devastated Germany for many decades: commerce declined; industry was crippled; and intellectual life sustained a deep if not mortal blow" (p. 45). The German population also increased because of the use of indentures to get them to America. Hence, those who wanted to immigrate to America signed contracts that paid their way. As one might imagine, this was shady business. Sowell (1981) writes that

the indentured servants were preyed upon by the dishonest. Some ship captains provided inadequate food or sold them into longer periods of bondage than actually required to work off the cost of their transportation. Germans who could not understand English were particularly vulnerable. (p. 49)

As a consequence of all these events, by the time of the Revolutionary War, there were about 225,000 German Americans in the colonies (Ripley, 1976, p. 29).

Immigration from Germany in the 1800s began slowly, but because of continuing issues in the homeland, Germans continued to hear from other groups of the promise

of America. Consequently, around the 1830s, the number of German immigrants rose again and continued to increase throughout the 19th century. By the 1900 census, there were more than 2.6 million Germans in America (Faust, 1927). These formidable numbers made them a significant force in American culture and politics. They were outstanding farmers and glassmakers and have been credited with setting up the first paper mill. Culturally, they incorporated coleslaw, sauerkraut, hotdogs, and hamburgers into American life. Well-known Germans such as Albert Einstein, Babe Ruth, Lou Gehrig, and former presidents Hoover and Eisenhower, among others, helped shape sports, science, and political life in America.

Given their large numbers in the American colonies following the Revolutionary War, Germans, unlike some other ethnic groups, were accepted early in the development of the country. Consequently, throughout the 1800s and 1900s, there were few bumps along the path toward full **assimilation**. An exception to this was during World War I, when America went to war with Germany. The anti-German sentiment was strong, but as Sowell (1981) notes, the animus was not restricted to Germans in Germany:

Anti-German feeling among Americans was not confined to Germany, but extended quickly to the whole German culture and to German Americans, many of whom were sympathetic to their former homeland. German books were removed from the shelves of American libraries, German-language courses were canceled from the public schools, readers and advertisers boycotted German-American newspapers. (p. 65)

Anti-German sentiment returned with World War II; however, it never approached the level it had reached during World War I. Also, it was Japanese Americans who caught the ire of patriotic Americans in the 1940s. After World War II, German Americans further assimilated by intermarriage and their increasing advancement within key institutions in American society. Today, Germans are no longer a distinct census category. In fact, if we look back at their history, we see they have long been considered a significant segment of the White American population.

Italian Americans

Centuries after Christopher Columbus “discovered” the New World, other Italians would take advantage of his discovery by immigrating to the American colonies. Although few in number, Italians were among the earliest immigrants to arrive in colonial America. The small numbers were not simply because of Italian disinterest in immigrating to America. Some jurisdictions, such as Maryland, only allowed the settlement of immigrants from Britain (Iorizzo & Mondello, 2006). But as a result of labor shortages, these laws started to disappear in the colonies. By 1648, Maryland had also changed its practice and passed legislation that “encouraged French, Dutch and Italians to come to its shores” (Iorizzo & Mondello, 2006, p. 26). To further encourage immigration to the colonies, Maryland passed the Toleration Act in 1649, legislation that ensured religious freedom for Catholics. From the 1600s through the mid-1800s, immigration from Italy was steady, but, mirroring the trend of other White ethnic groups, it really picked up

in the late 1800s. Those Italians who immigrated were trying to escape the turmoil in their homeland or simply looking for better economic opportunities. Among them were not only poor people but various artists and political dissidents who were middle class and others who were revolutionaries. Settling mostly in northern urban areas, they contributed to the diversity of cities such as Boston, New York, and Philadelphia (Iorizzo & Mondello, 2006).

By 1920, more than 4 million Italians had arrived in the United States. To some, this was not necessarily a welcome development. Leading up to this period, during the late 1800s and early 1900s, heavy anti-Italian sentiment had resulted in numerous killings and hangings (Marger, 1997). Therefore, to stem Italian immigration to the United States, the Immigration Act of 1924 placed a stringent quota on the number of Italians who could immigrate to the country. In 1929, that number “was only 5,802, compared with 65,721 for British Immigrants” (Feagin & Booher Feagin, 2012, p. 98). As it had for other ethnic immigrant groups, religion, in this case Catholicism, also became a point of contention, and stinging stereotypes, as noted in the experience of other ethnic groups, were created to demonize the new immigrants. Italians were perceived by many to be “dangerous” and “inferior” to other European immigrants. The perception was enhanced by the image of the Italian Mafia (also referred to as the “Black Hand”; Marger, 1997).

The belief that Italians were heavily involved in organized crime likely originated from the fact that many of the immigrants came from Sicily, where the Mafia was a social institution. However, in America, Italian organized crime became an obsession. The terms *organized crime* and *Mafia* became synonymous with Italians. They were considered a lawless race. One congressional report described them as morally deficient, excitable, superstitious, and vengeful (Iorizzo & Mondello, 2006). These negative and racist characterizations were clearly unfair considering that the Irish, German, Jewish, and Polish immigrants had preceded them in organized criminal activity (Iorizzo & Mondello, 2006). In fact, as Sowell (1981) has aptly stated, “Organized crime was an existing American institution, and the Italian Americans had to literally fight their way into it” (p. 125). Despite the prevailing criminal stereotype, in the early part of the 20th century, Italians had “*lower* [emphasis added] crime rates than other Americans” (Sowell, 1981, p. 125). Although Italians eventually assimilated into American society and are presently subsumed under the White racial category, some of the early stereotypes remain.

Irish Americans

According to Meagher (2005), “The first Irishman came to America in 1584 as part of Sir Walter Raleigh’s ill-fated expedition to the Outer Banks of North Carolina” (p. 1). Later, the Irish came in great numbers to America, looking for opportunities to escape extreme poverty in Ireland. Meagher has observed that 60% of those who came in the 17th century did so by way of indentures. Others were given the option of leaving Ireland instead of serving a prison sentence for a criminal conviction. Those who came in the mid-1800s as a result of the potato famine in Ireland, which killed (through starvation and disease) an estimated 1 million people, contributed to the exponential

increase of Irish Americans. For example, during the 100-year period from 1820 to 1920, about 5 million Irish arrived in America (Meagher, 2005). They settled in areas throughout the country; however, many landed in northern states such as New York, Massachusetts, Pennsylvania, and Illinois. In addition, by the early 1860s, one-third of the Irish population could be found in the western and midwestern parts of the United States. Wherever the Irish settled, because of the prevailing nativist views and their predominantly Catholic backgrounds (some were Protestant), they often were ostracized and relegated to the worst areas of cities.

Historians have generally agreed that few immigrant groups have encountered the harsh treatment the Irish received in 19th-century America. Many of the Irish immigrants did bring alcoholism and fighting habits to American shores. As a result, they often caught the attention of police officials, who called police vans “paddy wagons” because so many Irish were occupants. In some cities, such as New York, the areas where the Irish dominated were some of the toughest.

The highly acclaimed 2002 movie *Gangs of New York* depicts the immigration of the Irish to New York during a period when there was a strong sense of resentment and hate directed toward immigrants. Largely based on actual events, the movie shows how ethnic antagonism between the native population (English) and newest immigrant group (Irish) resulted in brutal gang wars. The Irish are portrayed as a criminogenic ethnic group that brings bad habits to an already overcrowded and notorious district of New York. The movie culminates with the “Draft Riots,” which were provoked by ethnic tensions and by Whites objecting to being drafted into the Union army to fight for the liberation of African American slaves, while they themselves were struggling to survive. Prior to the September 11, 2001, terrorist attack on the World Trade Center buildings, the Draft Riot was considered the single event to have caused the largest loss of life in New York City history (more than 1,000 deaths).

Not until the second- and third-generation families did the Irish truly start to become a part of the American social fabric. In fact, during the early and mid-20th century, they became major contributors to the arts and were prominently featured in major motion pictures. Nevertheless, they were still faced with challenges. In particular, restrictive immigration quotas in the 1920s also hit them hard, and there were still barriers in place that restricted them from reaching their full potential occupationally. For example, Irish women, unlike other White ethnic females, had to take jobs as domestic servants to make ends meet. As noted previously with the experience of Black female domestics, these were dangerous jobs that often resulted in sexual harassment, rape, or, out of desperation, a descent into prostitution (Meagher, 2005). Nevertheless, large numbers of the Irish headed to college, and research shows that in the 1920s and 1940s, they were as successful as the native-born European immigrants. By 1960, “Irish occupational status exceeded national averages and was higher than every other white ethnic group except Jews” (Meagher, 2005, p. 132). In short, after experiencing initial resistance to their presence in America, the Irish had fulfilled the promise of the “American Dream.” It is significant that despite encountering early resistance and anti-Irish sentiment, the Irish were able to rise swiftly out of the doldrums of their early American experience. This is likely attributable to the fact that, as time went on, the Irish became

integrated into the fabric of American society and assimilated into the status of White Americans (T. W. Allen, 1994; Ignatiev, 1996).

Jewish Americans

Interestingly, the first Jews who arrived in America were of Hispanic origin. In 1654, 23 Sephardic Jews from Spain and Portugal arrived in New Amsterdam (Finkelstein, 2007). Their arrival in the New World began with controversy when the captain of the ship that brought them to America sued them because their fares had not been paid. To pay their fares, “The court ordered two of the new arrivals imprisoned and the belongings of all 23 passengers sold at auction” (Finkelstein, 2007, p. 31). Moreover, the governor of New Amsterdam, Peter Stuyvesant, wanted them to leave. In short, he viewed Jews as repugnant and originating from a “deceitful race” (Finkelstein, 2007, p. 31). Stuyvesant was so anti-Semitic that he banned Jews from building a synagogue and restricted their enlistment in the military. Thus, the first American synagogue was not built until the 1720s. Henceforth, Jews began to branch out and started to become somewhat more accepted within American society. This was fostered by the advent of American Freemasonry, in which Christians and Jews interacted. Although discrimination remained a part of the Jewish American landscape, Article VI of the U.S. Constitution, which banned religious discrimination, provided some respite for Jews who aspired to public office.

The 19th century saw a considerable increase in the Jewish presence in America. Whereas there were only about 3,000 Jews in America in 1820, 40 years later there were approximately 200,000 (Finkelstein, 2007). Tied together by religious and cultural traditions, many arrived from Russia, Poland, and other Eastern European countries, where they had long been persecuted for their religious beliefs and customs. To preserve their culture, in 1843, 12 German Jews gathered in a New York café and founded B’nai B’rith, which means “Sons of the Covenant.” The mission of the organization was ambitious, but it laid the grounds for an organization that, by 1861, was “operating in every major Jewish community in America” (Sachar, 1993, p. 71). The mission of the organization was as follows:

Uniting Israelites in the work of promoting their highest interests and those of humanity; of developing and elevating the mental and moral character of the people of our faith; of inculcating the purest principles of philanthropy, honor, and patriotism; of supporting science and art; of alleviating the wants of the victims of persecution; providing for, protecting and assisting the widow and orphan on the broadest principles of humanity. (Finkelstein, 2007, p. 64)

Recounting Jewish history, Feagin and Booher Feagin (2012) write,

From the Egyptian and Roman persecutions in ancient times to massacres in Spain in the 1400s to brutal pogroms in Russia in the 1880s to German Nazi massacres, Jews might be regarded as the most widely oppressed racial or ethnic group in world history. (p. 115)

Seeking relief from persecution in European countries, Jews continued to arrive in America en masse. In the 40 years from 1880 to 1920, 2 million Jews arrived in America. As the persecution continued, many more arrived and eventually assimilated into the American way of life while maintaining their Jewish traditions. However, coinciding with this significant wave of immigration was an increase in anti-Semitism. Describing this turbulent period for American Jews, Finkelstein (2007) writes, “Much of this was fueled by the stereotypes brought over from Europe by the large numbers of newly arrived Christian immigrants. Jews faced growing restrictions in housing, employment, and education” (p. 79).

During the first quarter of the 20th century, the mass immigration and squalid living conditions of Jews resulted in abundant numbers of Jewish youth hanging out on the streets. This produced rising juvenile delinquency rates, which became the target of a number of Jewish organizations. In a similar vein, whereas the 1920s and 1930s were periods of considerable Jewish progress, Brodtkin Sacks (1997) noted that Jewish success in organized crime was also critical to their upward mobility. She specifically mentioned that “Arnold Rothstein transformed crime from a haphazard, small-scale activity into a well-organized and well-financed business operation. Consider also Detroit’s Purple Gang, Murder Incorporated in New York, and a host of other big-city Jewish gangs in organized crime” (p. 399). These illicit activities were also found among other ethnic groups striving to move up the social ladder, albeit through criminality, in urban areas.

The period also saw quotas established restricting the number of Jews who could attend prestigious universities such as Harvard. Thus, although they were progressing in terms of their status in American society, there remained barriers to full assimilation. Jews, however, continued to be successful in educational pursuits and small businesses. In 1921, Albert Einstein won the Nobel Prize in Physics, and Jews were among the most successful immigrants. Because of their success in education, Finkelstein (2007) notes that “by the end of World War II . . . most Jews had established themselves firmly into the middle class, with large numbers employed in ‘economically secure’ jobs as civil servants: Teachers, accountants, lawyers, and medical professionals” (pp. 129–130). As a result, many moved out of the ghettos and into the suburbs, where they were largely unwelcome. In time, however, Jews assimilated and were also categorized as White Americans (Brodtkin, 1999; Brodtkin Sacks, 1997).

Each of the aforementioned White ethnic groups came to America seeking prosperity but was immediately thrust into dire socioeconomic conditions. In many instances, crime provided the means to rise above their condition (Bell, 1960; Light, 1977). Initially, each group was labeled criminal, but after a period of decades, most were able to rise out of their situations and assimilate into America—as White Americans (Gans, 2005). In recent years, some Whites have become concerned about their status as White Americans. This has led to a resurgence of nativist movements—largely tied to immigration concerns (Mudde, 2012). This resurgence has continued with the election of President Donald Trump. Nativist groups were heavily supportive of his campaign and have emerged as staunch supporters during his presidency (Woodruff, 2017). One group currently classified by the U.S. Census Bureau as White—Arab Americans—has had a divergent experience from other White ethnics in the last decade. We provide a brief overview of their experience in the next section.

Arab Americans

Arab Americans have a long history in the United States. Before we review their experience, it is important that readers understand that the terms *Arab Americans* and *Muslim Americans* are not synonymous. In other words, not all Muslims are Arab. And similarly, not all Arab Americans are Muslims. Arab Americans are a cultural group in the United States, and Muslim Americans are those persons from all races and ethnic backgrounds who follow the Islamic religious tradition. Our focus here is on Arab Americans, who are people from Lebanon, Egypt, Syria, Palestine, Jordan, and a host of other Middle Eastern countries. Orfalea (2006) separates the Arab American experience into three significant waves of immigration. The first wave commenced in 1878 and continued through 1924. There are multiple reasons given for why Arabs immigrated to the United States in the late 19th century. It has been suggested that economics, political conflict, religious strife, and the pursuit of fortune contributed to Arab immigration to America. Not unlike other **White immigrants**, Arab Americans viewed the United States as having “streets of gold” (p. 51). These varying motivations resulted in approximately 200,000—mostly Christian—Arab Americans in the country during the 1920s (Feagin & Booher Feagin, 2012; Kayyali, 2006).

Like the immigration of other ethnic groups, Arab American immigration was affected by the notorious 1924 Immigration Act that severely restricted their total immigration to the United States to fewer than 160,000 (Federal Reserve Archival System for Economic Research, n.d.). The second wave of Arab American immigration followed World War II and spanned the years 1947 to 1966. With the relaxing of immigration policies, Arabs fled war-torn areas in the Middle East. Some came as political refugees in the 1950s and 1960s when the United States passed the Refugee Relief Act that targeted Palestinian refugees. In total, 6,000 Palestinians made use of this act (Kayyali, 2006). The late 1960s saw the third wave of Arab immigration to the United States. Following their defeat in the 1967 Six-Day War against Israel, Arabs became “disillusioned and pessimistic about the future of the Arab world and chose to move to the United States and other non-Arab countries” (p. 33). This resulted in more than 400,000 Arab immigrants arriving in the United States between the 1960s and the 1990s (p. 33).

On the surface, the Arab American story mirrors that of other White ethnics, as they also had to endure negative stereotypes directed at them by other more established immigrant groups. The Arab American story was considerably altered, however, following the events of September 11, 2001 (hereafter 9/11). While other groups quietly assimilated into “Whiteness,” Arab Americans returned to the status of a recognizable minority after the 9/11 terrorist attacks (Jamal & Naber, 2008). The racial animus that had previously targeted minority groups such as Blacks and Latinos also targeted Arab Americans (and Muslim Americans) because of the Middle Eastern backgrounds of the 9/11 terrorists. In particular, Arab Americans were perceived to be the group most likely to engage in terrorist activities; therefore, citizens and policing officials alike were supportive of **racial profiling** of people of Middle Eastern descent. This led to the harassment of Arab Americans and to the term *flying while Arab*, which refers to the additional scrutiny Arab Americans are perceived to receive when traveling by airplane (Baker, 2002; Schildkraut, 2009). Despite this recent harassment directed at them, the estimated

1.8 to 3.7 million Arab Americans remain a vital force in the United States (Brown, Guskin, & Mitchell, 2012).

Latino Americans

Prior to the 2000 census, the term *Hispanic* was used to refer to persons from Mexico, Puerto Rico, Cuba, and Central and South America. Feagin and Booher Feagin (2012) noted that the term *Latino* emerged because it “recognizes the complex Latin American origins of these groups. It is a Spanish-language word preferred by many Spanish-speaking scholars, activists, and others” (p. 209). While Latino/a are still the preferred terms, and the ones we use in this book, the emerging gender-neutral term **Latinx** has gained popularity. Our review of their history focuses on the two largest ethnic groups under the Latino category: Mexicans and Puerto Ricans. The data presented earlier in Table 1.2 clearly illuminate the diversity of the American Latino population.

Mexicans

Between 1500 and 1853, the Spanish conquered and ruled Mexico. During these three centuries, the Spanish exploited the Mexican population for their labor. Many Mexicans became Americans with the annexation of Texas. Following the Mexican-American War (1846–1848) and the Treaty of Guadalupe Hidalgo (1848), Mexicans had the option to stay in the United States or return to Mexico. According to Feagin and Booher Feagin (2012), although many returned, others stayed in America.

Sowell (1981) wrote that Mexicans immigrated to America in three great waves. The first wave of Mexicans came to America by railroad—and ironically, over the years, railroads became one of the largest employers of Mexicans. Specifically, they were employed “as construction workers, as watchmen, or as laborers maintaining the tracks. Many lived in boxcars or in shacks near the railroads—primitive settlements that were the beginning of many Mexican-American communities today” (p. 249). Before World War I, other industries employing Mexicans were agriculture and mining. Mexican workers in America were paid considerably more than they were in Mexico. As a result, there was a steady flow of seasonal workers crossing the Mexican border into the United States to earn money to take back home to Mexico. Labor shortages caused by World War I resulted in formalized programs to encourage such practices. About 500,000 Mexicans came to America to work during this period (Tarver, Walker, & Wallace, 2002). Beginning in this period, Mexicans also were subject to negative stereotypes, such as being considered “dirty,” “ignorant,” and lacking standards of appropriate behavior (Sowell, 1981). Even so, they were tolerated because of the dire need for their labor. With the arrival of the Depression, “Fears of the unemployed created an anti-immigrant movement, and immigration laws were modified to deport the ‘undesirables’ and restrict the numbers of foreign-contract laborers” (Tarver et al., 2002, p. 54).

About the same time as the notorious Scottsboro cases were being tried, the federal government, under the direction of President Herbert Hoover, commissioned the first national crime commission. Commonly referred to as the “Wickersham Report,” for