

The Integration Debate

Competing Futures for American Cities

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CHAPTER 12
Two-Tiered Justice
Race, Class, and Crime Policy

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For more than a half century since the promise of an integrated society occasioned by the historic *Brown v. Board of Education* decision (1954), opportunities for people of color have expanded significantly. Since 1954, a thriving black middle class has emerged, along with growing numbers of Latinos and other groups who are reaping the rewards of a multicultural society. And, of course, the ascent of the nation's first black President only accentuates the achievements of many African-American professionals in recent decades.

Lurking not far below the surface, though, is the grim reality of a society that in many respects is as segregated as ever, and arguably one with declining opportunities for those left behind in the changing economic climate. In many of the nation's urban areas, large numbers of the generation that grew up after the Civil Rights Movement now toil in low-wage or underground economies, with only distant connections to the national, let alone global, economy. And in the most profound betrayal of the promise of integration and opportunity, the United States has created a world-record prison population, fueled by policies that have exposed substantial portions of African Americans to the life-changing consequences of the criminal justice system.¹

These policies and outcomes are intimately tied in with the dynamics of a segregated society in several ways. First, through law enforcement practices and the development of criminal justice policy, residential segregation patterns contribute to an expanding prison system. Second, segregation ensures that the

presumed purpose of incarceration—producing public safety—inevitably will be seriously compromised. Finally, these developments come together to produce a vicious cycle of declining political influence for the communities most affected by mass incarceration, thus resulting in misguided and racially skewed policies becoming entrenched.

The Development of Mass Incarceration

For about 50 years prior to 1972, the rate of imprisonment in the United States remained relatively steady. The prison population rose during the Depression years and declined during World War II, but the rate of imprisonment hovered in the range of 110 per 100,000 population throughout this period, or about 160 per 100,000, adding the local jail population. By the standards of other industrialized nations, this was a high figure, roughly two to three times the rate in Canada and Western Europe. By 1972, the total incarcerated population stood at about 330,000 (Mauer 2006).

In the more than three decades since then, the United States has been engaged in what I have elsewhere termed a “race to incarcerate” (Mauer 2006). This has produced a six-fold increase in the number of people behind bars, now totaling 2.3 million (Sabol and Couture 2008). The rate of incarceration, 762 per 100,000 as of 2007, is the highest in the world and generally five to eight times that of other industrialized nations (International Centre for Prison Studies 2008).

The racial/ethnic disparities produced by this prison explosion have been profound. Nearly 60% of the prison and jail population is African-American or Latino, far out of proportion to their overall share of the national population. As of 2001, 16.6% of adult black males had spent time in prison, as had 6% of Latino males. And if current trends continue, one in three black males born today can expect to go to prison in his lifetime, as can one in six Latino males. Rates for women of color are lower overall, but the racial/ethnic disparities are similar (Bonczar 2003).

Many scholars have analyzed the proximate causes of this prison expansion, and there is a strong consensus among them that this has primarily been a function of changes in policy, and not crime rates. In this analysis, I will examine the ways in which racial segregation has contributed to the development of those policy changes and is in turn exacerbated by mass incarceration.

Segregation and the Growing Prison System

Some theorists have suggested that the U.S. prison system is the new Jim Crow, functioning as the most recent means of the several centuries-long control of America’s black population. Loic Wacquant (2001), for example,

asserts that the rise in the carceral state follows immediately upon the gains of the Civil Rights Movement, and that once the legal barriers for social control had eroded, another institutional form of control was necessary to accomplish that objective.

How intentional these developments may have been is subject to debate, but we can trace these trends as an outgrowth of demographic, economic, and political changes in the 1960s which influenced both crime and its political positioning. Beginning in the mid-1960s, crime rates rose in the United States for a period of about ten years. The reasons for this are complex, but in part relate to the rise of the “baby boom” generation, essentially a greater number of young males in the 15 to 24 age group, a group that historically has been disproportionately involved in crime. In addition, increasing urbanization—with a rapid increase during this time—has often been associated with higher rates of crime. But the racial context for these changes was critical. Despite a general decline in unemployment rates in the 1960s, economists Llad Phillips and Harold Votey document that unemployment rates for nonwhite youth were rising during this period, along with a decline in their overall labor force participation (Currie 1985). They contend that these labor market changes alone were “sufficient to explain increasing crime rates for youths” in the 1960s (Currie 1985, 111).

So, crime rates were rising, but *how* to respond to such a problem was still a matter of political negotiation, and one framed by racial perceptions. Bruce Western describes a process whereby “Elevated crime rates and the realigned race relations of the post-civil rights period provided a receptive context for the law-and-order themes of the national Republican Party,” (2006, 60), themes that would be picked up by many Democratic political leaders as well.

These initiatives were advanced in a nation where residential segregation had persisted despite the changes in public policy brought about by the Civil Rights Movement. As Douglas Massey has documented, since 1970 “Metropolitan areas...with large black communities (Chicago, Detroit, Philadelphia) remain segregated at extremely high levels that have hardly changed since the passage of the Fair Housing Act.... therefore, race remains a dominant dimension of stratification in American housing markets” (2007, 75). The confluence of these political and environmental dynamics virtually ensured that the policy initiatives growing out of this framework would become dramatically punitive in their orientation.

This political characterization immediately preceded the dramatic shifts in the U.S. economy that would alter the life prospects of many African Americans. While these economic changes did not necessarily *require* the development of a massive prison system, in combination with the racialization of crime and the absence of a sustained opposition movement, they made such a development almost inevitable.

In broad terms, these economic changes included the oil crisis of 1973, the declining influence of the United States on the world stage, and a shift in the economy from a manufacturing state to a technical and financial services economy. These shifts presaged a growing divide in wealth and income since the early 1980s, one where the rich have done very, very well and the poor have become increasingly marginalized.

These economic dynamics have been overlaid with racial patterns that in turn influenced the development of penal policy in several ways. First, the geographical areas left behind in the emerging economy were by and large those urban communities that had long been dependent on the manufacturing boom of the post-World War II era. The enormous decline in manufacturing employment in urban areas during the 1970s included a loss of 170,000 blue-collar jobs in New York, 120,000 in Chicago, and 90,000 in Detroit (Kasarda 1989). These declines hit young African Americans particularly hard, with a 30% decline in employment among high school dropouts and 20% decline for high school graduates in metropolitan areas (Western 2008). Thus, working-class blacks (and whites as well) in Detroit, Akron, and elsewhere who had gained good union-wage jobs in the auto and steel industries now saw their sons and daughters more likely to be working at jobs in the fast-food industry at wages that could not support a family or homeownership. And those people who were increasingly left behind as a result of these shifts essentially became a "surplus population." As William Julius Wilson documents, it was not just a question of poverty, but "Something far more devastating has happened that can only be attributed to the emergence of concentrated and persistent joblessness and its crippling effects on neighborhoods, families, and individuals" (1997, 17). He concludes: "Since no other group in society experiences the degree of segregation, isolation, and poverty concentration as do African-Americans, they are far more likely to be disadvantaged when they have to compete with other groups in society..." (1997, 24).

As legitimate economic opportunities declined in these overwhelmingly segregated African-American neighborhoods, it should not have been surprising that at least some residents would become engaged in criminal behaviors. By the late 1980s, we would see the toll that crack cocaine, and in particular the violent drug markets that developed around the drug, exerted on many communities. The response to the crack epidemic only reinforced the strong interplay between race and the development of public policy. The mandatory sentencing laws passed by Congress in 1986 and 1988 imposed far harsher penalties on persons convicted of crack cocaine offenses than powder cocaine, despite the fact that the two drugs are pharmacologically identical, and crack is merely a derivative of powder cocaine (U.S. Sentencing Commission 2007). The combined effect of skewed federal law enforcement practices with the new sentencing laws resulted in African Americans con-

stituting more than 80% of the people subsequently sentenced to mandatory five- and ten-year prison terms (U.S. Sentencing Commission 2007).

As we have seen with the experience of crack cocaine policy, so was it the case that in the nation's overall approach to crime the policy of choice was one of heavy-handed law enforcement and incarceration policy, despite the fact that a variety of other strategies could have been pursued. These might have included economic development, school reform, homeownership programs, and job placement—all sorely needed by low-income communities and demonstrated to be effective in promoting public safety. But by defining the issue as a “criminal justice” problem, these alternative approaches vanished from the political landscape.

The growing race and economic divide also exacerbated the scale of incarceration. All nations have prison systems, but these vary enormously in the degree to which they employ incarceration. Some research suggests that the scale of incarceration is related to the degree of inequality in a society (Wilkins and Pease 1987). That is, the greater the inequality, the higher the overall rate of incarceration. The theory behind this is that societies provide a variety of positive and negative rewards to their populations. In the United States, where the positive economic rewards are most extreme, so too, are the negative consequences—in this case, imprisonment. One can also see how this plays out in the world of public policy. In recent decades, legislators at both the state and federal level have increasingly adopted a host of mandatory and determinate sentencing policies that have reduced the discretion of sentencing judges in favor of across-the-board sentencing policies based primarily on the offense of conviction and prior criminal record. While these factors are clearly relevant at sentencing, so too have been background characteristics of the defendant, such as a history of substance abuse, domestic violence, or limited educational attainment. But given the social distance between most legislators and the defendant population, the less empathy there is likely to be, thus making it easier to adopt such punishments. Thus, the social divisions produced by segregation further disadvantage people of color by making it more likely they will be sentenced to prison rather than having their life circumstances taken into consideration as mitigating factors.

The racial dynamics of drug policy illustrate this most starkly. In the early decades of the twentieth century, marijuana was viewed as a drug largely used by blacks and Mexican Americans, with popular references to it being used in jazz clubs and “racy” parts of town. Whether or not this perception was entirely accurate, it no doubt contributed to such policies as the Boggs Act of 1951, which penalized first-time possession of marijuana or heroin with a sentence of two to five years in prison (Schlosser 1994). By the 1960s, though, marijuana began to be widely used by white middle-class college students, and public attitudes began to change quickly. Marijuana came to be seen by

many as a relatively harmless drug, with broad calls for its decriminalization. Nothing had changed about the drug, of course, only the public perception of the user, but as that racial perception changed so too did public policy.

Segregation Contributes to Unfair and Ineffective Crime Control Policies

A growing body of literature documents that mass incarceration has had, at best, a modest impact on controlling crime (Tonry 2004; Western 2006). A variety of factors explain this limited impact, including: deterrence is more a function of the certainty of punishment (apprehending more offenders) than the severity of punishment (increasing the length of prison terms); the “replacement” effect, by which convicted drug offenders and auto thieves are replaced by others on the street; and, the “aging out” of the prison population beyond the high crime-rate years. Further, whatever incapacitating or deterrent effect has been achieved is now long past the point of diminishing returns, as prisons are increasingly filled with nonviolent drug and property offenders. But in addition to these prison-crime dynamics, persistent segregation also plays an enhancing role in limiting whatever crime control impact might otherwise be achieved.

These effects begin with the concentration of low-income communities of color in highly segregated neighborhoods in urban areas across the United States. Policing practices over time have underserved, and subsequently overpoliced, these communities. For much of the early twentieth century, communities of color were largely an afterthought in the practices of many urban police departments. Crime was viewed as nothing to worry about so long as it did not spill over into more affluent areas of the city, and the overwhelmingly white police forces hardly reflected the composition of low-income communities of color. Needless to say, such practices and attitudes did not engender good relations between communities of color and law enforcement.

Changes in urban policing in the latter part of the century brought about some notable improvements, although they simultaneously reinforced some of the preexisting tensions. Most significantly, the changes included opening up many police departments to officers of color, including in leadership positions. By the 1990s, a significant number of police chiefs of big-city police departments were African American or Latino. Heightened public dialogue also produced greater attention and concern to the needs of communities of color, although varying broadly in the approaches that were taken.

In some cities, community policing approaches emphasized law enforcement agencies developing partnerships with communities as a means of resolving problems and underlying tensions in those communities. Operation

Ceasefire in Boston, for example, was credited with helping to reduce the spate of juvenile homicides of the early 1990s through a partnership between law enforcement, churches, and social service workers. But in many other areas, the renewed law enforcement presence was experienced as little more than a heavy-handed infusion of police with little regard for community input. New York City under the combined administration of Mayor Rudy Giuliani and Police Commissioner William Bratton is the prime example in this regard. With a strong commitment to the “broken windows” style of policing, under which any type of disorder, no matter how minor, would be treated as evidence of potential for more serious harm, the new regime launched a virtual onslaught on minority neighborhoods. Street stops and arrests by police all rose precipitously in the first several years after the policy was adopted. At the same time, and not coincidentally, so too did civilian complaints to the police review board, along with a widespread perception among minority youth that they were being targeted merely for being black or brown.

Proponents of these strategies argue that these neighborhoods are challenged by high rates of crime and therefore welcome this police presence. But as thoughtful law enforcement leaders have long known, the police can only be as effective as their relationship with the community. Rarely are police fortunate enough to witness a crime being committed. The vast majority of the time they are dependent on the community to report crimes, provide information, and serve as witnesses in court. When the police-community relationship becomes strained—as clearly evidenced by civilian complaints—cooperation and coordination suffer, and with that crimes are less likely to result in arrests, and arrests less likely to result in convictions.

U.S. District Judge Reggie Walton of Washington, DC, a self-described former “hard-charging prosecutor,” describes the consequences of these frayed relations in the context of the “war on drugs,” and in particular its impact on African-American communities.

And I’ve had jurors come up during the voir dire process and say that they just will not be a part of sending another black man to jail in a system that they believe is racist because of the disparity regarding crack as opposed to powder cocaine sentencing. (U. S. Sentencing Commission 2006, 115)

Segregation affects the utility of the criminal justice system in other ways as well. The very nature of a prison—an institution that involuntarily houses hundreds of thousands of persons against their will—inevitably creates tension between staff and prisoners. In many instances, this atmosphere is exacerbated by the presence of race-identified gangs, largely functioning as an outgrowth of racially and ethnically formed gangs in segregated neighborhoods. As substantial numbers of their groups have become incarcerated,

the gangs merely extend their reach behind the prison walls. California exhibits the most extreme form of this dynamic, so much so that for many years prison officials had a policy of segregating new prisoners by race and ethnicity so as to reduce intergroup conflict. This policy was ultimately struck down by the U.S. Supreme Court in 2005 with a finding that segregation was not necessary to create a safe environment in the prison system. But even as of 2008, on the eve of implementing the changes required by the Supreme Court, the California system was described as "One of the last bastions of racial segregation" (Arnoldy 2008, 119–120).

Segregation also reduces the effectiveness of criminal justice practice by limiting the impact of reentry programming, designed to connect people leaving prison with institutions in the community that can aid in reducing recidivism. In this regard, the challenges posed by the highly segregated, and poor, neighborhoods that most prisoners return to means that those institutions critical to reentry success are very fragile. Job markets are limited, social services poorly funded, and treatment programs for substance abuse or mental health sorely inadequate. No matter how motivated an individual may be to lead a legitimate lifestyle, the paucity of supportive services places great odds against his or her ultimate success.

As a result of this environment, along with the stigma attached to a prison record, incarceration produces a significant effect on the earnings potential of people who have been incarcerated. Bruce Western estimates that there is about a 15% reduction in hourly wages for former prisoners, as well as a substantial reduction in annual hours worked. Thus, for a black male high school dropout, an average annual income of about \$9,000 would be reduced by about \$3,300 (Western 2006).

Segregation and the Drug War

As noted, there has been a long history of tension between police and communities of color. In many instances, these relations have become strained since the inception of the drug war, beginning in the early 1980s. Here we can trace both the unprecedented ways in which drug policy has contributed to the prison population expansion and the resulting deleterious effects on communities of color.

The scale of the drug war's effects are enormous, with an increase in the number of people awaiting trial or serving a sentence for a drug offense in the nation's prisons and jails rising from 41,000 in 1980 to 500,000 by 2008 (Mauer and King 2007). Within state prisons, nearly 80% of drug offenders are African-American or Latino, a figure far out of proportion to the degree that these racial/ethnic groups use or sell drugs (Mauer and King 2002).

The means by which the "war" has been waged has been very much a

two-tiered approach. For communities with resources, treatment and public health approaches remain the policies of choice. With only rare exceptions do we see large-scale drug busts or major police investigations into suburban drug rings. Instead, families suffering from a loved one's substance abuse attempt to cope with the problem by identifying treatment providers who can address the addiction.

Conversely, in low-income communities of color, the drug war has been waged relentlessly as a criminal justice war, involving a large police presence and record numbers of arrests, with only limited treatment interventions. This has come about as a result of segregated communities being vulnerable to politically inspired punitive policing strategies. Police officials will often justify these approaches by contending that open-air drug markets are more prevalent in inner-city neighborhoods, as compared to drug-selling behind closed doors in more affluent communities; these markets hurt neighborhood cohesion and public safety; and, heavy-handed policing tactics are supported by residents of these communities as a means of removing negative influences.

These statements are all true, but only half true. With such high concentrations of low-income people in relatively isolated communities, open-air drug markets do indeed become more prevalent, and of course such markets would not be welcomed in any community. But how to cope with these problems becomes a policy question, one that is framed by considerations of politics and race. There is certainly no foregone conclusion that addressing drug problems through massive displays of law enforcement is the most effective, let alone compassionate, possible response. Indeed, a broad body of research suggests that proactive investments in prevention and treatment would be far more cost-effective in reducing drug abuse and related crime (Caulkins et al. 1997; Currie 1998). But these have been given little space in a political environment that has promoted "tough on crime" approaches at the expense of exploring alternative options.

Impact on Communities

Mass incarceration, focused as it is on largely segregated communities, produces a variety of consequences that limit the potential of the community to promote public safety and build strong institutions. While scholars are beginning to assess the ways in which this comes about, it is important to note that, given the relatively recent nature of these developments, in some respects we can only speculate about the long-term effects, since the situation is essentially unique in the history of democratic nations.

One possible effect of segregation is the limit it places on the deterrent effect of incarceration. While the impact of deterrence is often overstated in

the political world, clearly the threat of a criminal justice sanction or prison term for violating the law plays at least some role in causing potential law-breakers to consider the consequences of their actions. But as prisons fill up and incarceration becomes almost a commonplace experience for people in certain neighborhoods, newcomers to prison are likely to be housed with many people they already know. And as offenders cycle from prison back to the community, the experience of prison becomes well known, and therefore the "mystery" attached to it may diminish. Along with this, there is likely to be a diminishing of any deterrent effect that imprisonment may impose.

The concentrated nature of incarceration also affects community cohesion and trust in social institutions. Robert Crutchfield investigated the impact of high rates of incarceration in neighborhoods in Seattle, Washington on attitudes among those residents who had not been to prison. He found a diminution of social cohesion and trust that was "due in part to sentencing patterns and correctional policies" (Clear 2007, 113).

A key area of community life that is affected by mass incarceration can be seen in the realm of family formation and child-rearing. Mass incarceration creates a severe gender imbalance in many urban communities of color. One study in Washington, DC found that in neighborhoods of high incarceration there were only 62 adult men for every 100 adult women (Braman 2002). Some of the "missing" men had died or were in the military, but many were behind bars. The implications of these distorted gender ratios are quite dramatic. They clearly contribute to high numbers of single-parent households, and thus to the economic disadvantages that ensue to those families. Emerging research also suggests that these gender imbalances may contribute to higher rates of HIV infection, as men are more likely to have multiple sexual partners than in neighborhoods with a more balanced gender ratio (Clear 2007).

The concentration of incarceration also results in a loss of social capital, and thus reduced ability by which communities can address public safety through informal social controls. This comes about due to the fact that persons sentenced to prison are not "24/7 criminals." They may commit crimes once a day or once a year, but they also interact with their communities in socially productive ways. These include functioning as parents, consumers, workers, and other roles that contribute to community cohesion. Thus, when someone is sent to prison the community may gain some degree of public safety through incapacitation but it also loses the benefits provided through these other roles. This dynamic may explain the "tipping point" phenomenon of crime control observed by researchers in Tallahassee, Florida (Clear 2007). Looking at low-income, primarily African-American neighborhoods, the study's authors found that at modest rates of incarceration there were gains in reducing crime in the affected communities. But once these rates reached

high levels, levels of crime actually increased. The researchers suggest that this outcome may be a function of the diminishing of parental controls, the community stress brought on by the large numbers of people returning from prison, and the fact that the accelerating incarceration of successively lower-level offenders produces increasingly smaller incapacitation effects. So, the loss of social capital, particularly when offset against the limited utility of the incarceration of low-level drug offenders, may result in overall negative consequences.

Related to the loss of social capital are the negative health consequences, and their racial dynamics, for people who have experienced incarceration. Michael Massoglia, for example, develops findings that show a “significant effect of incarceration on later health outcomes and indicate that the penal system accounts for a sizeable proportion of racial disparities in general health functioning” (2008, 277). He suggests that the negative health indicators may result from greater exposure to infectious diseases in prison and the stigmatizing of “ex-cons” that results in lowered social standing and an “inability of individuals to exercise control over their lives and participate fully in society” (2008, 296). Given the concentration effects of mass incarceration in black communities, these individual health indicators are then magnified to produce communities with high levels of health problems.

Finally, the concentration effect is likely to contribute to distortions in the role models available to young people. Currently, one of every fourteen African-American children has a parent in prison on any given day (Mumola 2000), and, as previously noted, one in three black male children born today can expect to go to prison if current trends continue (Bonczar 2003). While young black children may not know these precise figures, they can no doubt witness the cycle of people leaving their communities and returning from prison in great numbers, and doing so to a much greater extent than young people leaving for college. So as prison seems to become a virtual norm in some communities, it can come to be seen as almost an inevitable part of the life cycle for young men, and increasingly for young women.

These effects are exacerbated by the shift in resources that has been occasioned by the development of mass incarceration and its impact on affected communities. The irony of this situation is that taxpayers in fact are spending substantial funds on low-income communities of color, but these resources are increasingly devoted to incarceration. For example, researchers have identified “million dollar blocks” in densely populated Brooklyn, New York, in which taxpayers spend that sum each year to imprison people just from that one block alone (Cadora, Swartz, and Gordon 2003). Therefore, it is not so much a question about investment in these neighborhoods, but rather what form that investment takes. One could envision an investment of \$1 million annually that might be put toward tutoring programs, summer job

development, or substance abuse treatment as competing ways of strengthening families and communities so as to reduce overall levels of crime in a more proactive and compassionate way than the back-end response of incarceration.

Impact on Political Power and Efficacy

The combined impact of mass incarceration and segregation contributes to a vicious cycle whereby the racially skewed nature of the drug war in particular leads to distorted use of incarceration and in turn to declining political and economic power in communities of color. This comes about not necessarily through a conscious strategy designed to produce these effects, but rather through a set of policy initiatives developed over time and with little regard or analysis of any collateral racial effects.

Mass incarceration results in diminished black voting strength through the mechanism of felony disenfranchisement, the denial of the right to vote for people with felony convictions. Arising initially at the time of the founding of the nation—along with prohibitions on voting by women, African Americans, illiterates, and poor people—these policies have also been revised over time, often with the specific intent of disenfranchising black voters. In the post-Reconstruction era, at the time Southern legislators were imposing poll taxes and literacy requirements, lawmakers in states such as Alabama and South Carolina revised their disenfranchisement policies to target the newly freed black male voters. They did so by imposing disenfranchisement for crimes believed to be committed by blacks, but not for those offenses believed to be committed by whites. Thus, a man convicted of beating his wife would lose the right to vote, while a man convicted of killing his wife would not. Such was the racial logic of the time.

Today, 48 states and the District of Columbia ban voting by people serving a felony sentence in prison, 35 of these states also prohibit persons on probation or parole from voting, and in 11 states, a felony conviction can result in the loss of voting rights even after completion of sentence, and often permanently (The Sentencing Project 2008). As of 2004, an estimated 5.3 million Americans were disenfranchised by a felony conviction. Of this total, 4 million were not incarcerated, but were living in the community, either under probation or parole supervision, or, in the case of 2 million, had completed their felony sentence but lived in one of the states with post-sentence disenfranchisement (Manza and Uggen 2006).

Whether or not intended under current policies, the clear impact of disenfranchisement today is a dramatic disparity in the loss of voting rights for African Americans. Because of highly disparate rates of incarceration (a result of both greater involvement in crime and racially biased criminal

justice practices), African Americans are disenfranchised at a rate of 8.25%, compared to a rate of 2.42% for all Americans (Manza and Uggen 2006). Thus, one of every twelve adult African Americans is currently not eligible to vote.

These figures take on meaning for black communities due to segregated housing patterns, whereby it is not only persons with a felony conviction who are affected but communities of African Americans as a whole whose voting power is diluted through the presence of large numbers of legally disenfranchised citizens. A study of Atlanta, Georgia, for example, found that in eleven highly segregated neighborhoods in the city, more than 10% of black males were ineligible to vote. For the city as a whole, black males were eleven times more likely to be disenfranchised than other males (Mauer and King 2004). Beyond that, there may be less incentive and pressure to vote on the part of those eligible if so many of their neighbors are not voting. The irony of these dynamics is that as black communities have been hard hit by the implementation of the war on drugs, this then results in the dilution of their voting strength, and thereby gives them less ability to express their political will on these and other issues. The reduced number of voters also provides disincentives to political candidates to campaign in these communities.

Political influence, and financial support, is further eroded through policies of the U.S. Census Bureau regarding how people in prison are enumerated for Census purposes. People in prison are counted in the counties in which the prison is located, not in their home districts. This practice is sometimes defended on the grounds that it is similar to the method used for enumerating college students who attend school away from home. There are key differences between these constituencies, though. College students are well integrated into their communities. They rent apartments, buy food, clothing, and gas at local establishments, and generally function as an integral part of the local economy. People in prison, on the other hand, have virtually no direct connection with the local economy or community. They are housed in state or federal prisons which purchase food and healthcare services from vendors often far away, they do not directly utilize any local services such as educational or cultural institutions, and of course, do not have the right to vote for local representatives.

The impact of segregation on these developments is that in most states the prison population consists disproportionately of people of color from a relative handful of urban neighborhoods who are then housed disproportionately in prisons that are far from home and in rural, largely white, areas. An analysis of 2000 Census data found that in 18 counties across the United States, more than 20% of the county population consisted of people in prison (Lotke and Wagner 2004). Since the Census count then influences political apportionment and certain federal and state funding streams, a transfer of

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wealth and power takes place from (black) urban areas (the homes of those incarcerated) to (white) rural areas.

Conclusion

The advent of mass incarceration has brought about profound changes to the ways in which we conceptualize problems of crime, disorder, and social intervention. These changes have been primarily experienced in communities of color, with imprisonment now becoming a common aspect of the life cycle in many low-income neighborhoods. The policies and practices that have produced these outcomes have set in motion a vicious cycle whereby the failure to invest in communities leads to higher rates of incarceration, which in turn contribute to frayed social relations and declining economic prospects. Throughout this process, residential segregation sets the stage for a punitive orientation in public safety policies as well as diminishing the effectiveness of the criminal justice system. Challenging segregation will not in itself reverse these trends, but it would set the stage for a more constructive dialogue on how best to approach these complex issues.

Note

1. Many of the dynamics described in this chapter may apply to Latinos as well, but the relative scarcity of data and analysis regarding Latinos and the criminal justice system makes it difficult to draw firm conclusions.

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